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Article Summary: In 1919 Fort Omaha's commander, Lieutenant Colonel Jacob Wuest, was unfamiliar with recent policies regarding the use of troops in domestic disorders. He hesitated when he was called upon to help put down the Omaha riot on September 28. The Army did eventually intervene, but only after three deaths and massive property damage that might have been avoided.

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Photographs / Images: soldiers on guard at Twenty-fourth and Lake Streets, Omaha, following the 1919 riot; editorial cartoon reflecting Omaha's gratitude for federal military assistance during the riot (*Omaha Evening Bee*, September 30, 1919); US Secretary of War Newton D Baker; Lieutenant Colonel Jacob Wuest, commander of Fort Omaha; P A Barrows, Nebraska lieutenant governor

THE U.S. ARMY AND THE OMAHA RACE RIOT OF 1919

By Clayton D. Laurie

In late September 1919 a race riot exploded in Omaha. Although it lasted less than ten hours, it indicated the high level of racial hatred in the United States that had caused more than forty racial clashes in 1919 alone.¹ The riot further indicated a surprising lack of knowledge on the part of some company, field, and flag-grade officers in the U.S. Army concerning federal civil and military policies regarding the use of troops in domestic disorders, even though such use had been widespread before and during World War I. This lack of knowledge, the resulting confusion, and the hesitancy of federal commanders in Omaha to use the forces under their control to quell the disorder in its early stages were responsible for the deaths of three people and millions of dollars of property damage. When the army did respond with large numbers of heavily armed troops, they performed functions that were already being carried out by civil authorities. The army intervention was both overwhelming and late.

The United States Army had ample precedent and legal justification for intervening in domestic disturbances. The president in 1919 was authorized by the Constitution and by sections 5297, 5298, and 5299 of the *Revised Statutes of 1874* to use federal troops to protect state governments from insurrection, domestic disorders, and other threats to legally constituted civil authority; to enforce state and federal

laws and court orders; and to protect the civil rights of American citizens. Between 1792 and 1919 numerous presidents exercised this authority and dispatched federal troops on at least 150 occasions to quell disorders arising from labor disputes, tax protests, race riots, and sectional differences.²

To prevent the abuse of federal military power, Congress had passed the Posse Comitatus Act in June 1878 at the behest of southerners who resented use of the army to enforce unpopular civil rights legislation enacted by Radical Republicans during Reconstruction. The act explicitly forbade the military from aiding civil officials or usurping their law enforcement powers on the local, state, and federal levels unless the president had received a formal request for such aid.³ This seminal piece of legislation had a lasting effect on the federal military role in domestic disorders. Considerations of whether army interventions constituted violations of the Posse Comitatus Act became a perennial concern of federal civil and military officials, especially field officers who could be prosecuted for violations of the act under both civil law and military regulations.

However, once a request for federal troops was received and once the president had determined that civil officials could not quell a disturbance with National Guard or police forces under their control, he was authorized to dispatch troops under authority of the Constitution and U.S. statutes after issuing a formal cease and desist proclamation as required under section 5300 of the *Revised Statutes of 1874*.

Federal troops could then be used as a posse comitatus to aid beleaguered civil officials. If disturbances were especially severe, only the president could declare martial law and authorize the army to exercise civil functions and supplant civil authority for any period of time specified. Although the provisions of the Posse Comitatus Act were contained in every version of Army Regulations following its passage, many army officers were unfamiliar with it, and the law was violated on several occasions.⁴

Federal military and civil officials had realized in 1878 that the statutes and procedures governing domestic military interventions, including the Posse Comitatus Act, failed to take into account emergency situations where the formal process to gain federal military aid slowed reactions or otherwise hampered civil authorities attempting to cope with a crisis. They further realized that in many areas, the army was the only visible sign of federal authority. Army officers, therefore, were authorized by General Order 71 of October 1, 1878, and subsequently by paragraph 489 of Army Regulations, to intervene without prior authorization in emergencies where loss of life or massive property damage was likely if federal military aid was not promptly given.⁵ They were warned, however, that the criminal and civil penalties that applied under the Posse Comitatus Act were always in force and that they could face court martial and criminal prosecution if their actions were later deemed unjustified. Such caveats made many officers hesitant to act without orders from higher

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Soldiers on guard at Twenty-fourth and Lake streets, Omaha, following the 1919 riot. (NSHS-K586.6-17)

authority, although no army officer was ever court martialled or prosecuted for violating the Posse Comitatus Act or for intervening without prior authority between 1878 and 1919.⁶

The entry of the United States into World War I caused a major policy change and a loosening of the legal framework regarding the domestic use of federal troops. This added to the confusion already experienced by army officers, many of whom were unfamiliar with even the most basic pre-war civil disturbance regulations. Prior to 1917 the National Guard had been the primary force available to state officials to quell domestic disorders. However, according to the provisions of the 1903 Dick Militia Reform Act and the National Defense Act of 1916, the National Guard, once called into

federal service, was unavailable to state officials for riot duty. The role of maintaining domestic order fell to the regular army or to federalized National Guard units, neither of which could be dispatched to aid civil authorities without the cumbersome request process through the state legislatures to the president.⁷

Realizing the danger that the absence of the National Guard posed for state officials faced with labor disputes and other threats to order allegedly fomented by aliens and radicals, Secretary of War Newton D. Baker instituted a policy during the summer and fall of 1917 that allowed state and local civil officials direct access to federal troops without going through the formal request procedure to the president and without obtaining

a cease and desist proclamation. Baker thus unilaterally and arbitrarily voided the constitutional and statutory checks on the domestic use of federal military forces for the next four years. His policy further weakened the restrictions imposed by the Posse Comitatus Act.⁸ Army departmental commanders and state governors were informed that if there was a need for troops to quell disorders, the governors should contact the nearest army garrison.

Army officers were informed of this policy in War Department General Order No. 147 of November 1917. They were ordered to keep in close contact with civil officials in their areas and to provide immediate military assistance and support if requested for quelling any form of disorder.⁹ Under this policy the army aided state and local authori-

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ties by arresting labor radicals, strikers, anti-war dissenters, and aliens; and by breaking strikes, preventing demonstrations, and quelling race riots on at least forty-two occasions between March 1917 and November 1921. Furthermore, the U.S. Army Military Intelligence Division (MID) aided Justice Department investigators and private "Liberty Leagues" in the surveillance of alleged subversives, aliens, and disloyal citizens. All of these activities were carried out under the direct access policy or under the emergency provisions of Army Regulations. None was accompanied by a presidential cease and desist proclamation as required by RS 5300.¹⁰ Amid this confused legal situation federal military forces were called to quell an increasing number of labor disputes and race riots in 1919 that were a direct outgrowth of wartime changes in American society. This was especially true concerning race relations.

Racial tensions, which had been almost exclusively confined to the South since Reconstruction, became a nationwide phenomenon in 1919. Omaha was no exception and was a microcosm of postwar America. Although racial clashes had taken place in the past, Nebraska had a relatively small black population of approximately 13,000 out of a total population of nearly 1,300,000. Omaha, the largest city in the state, had a population of about 191,000 people of whom 10,315 were blacks. Despite these small numbers, the rate of growth of the minority population was alarming to many whites, increasing by over 130 percent during the previous decade as blacks came to the city during the war years to take jobs left open by white military service and labor disputes.¹¹ The role of blacks as strikebreakers was especially evident in 1919, when many black packinghouse workers fled Chicago and East St. Louis, Illinois, after race riots in those cities, to fill strike-vacated jobs in Omaha's meat-packing industry. Such actions raised

the ire of white union workers.¹²

Along with increasing racial tensions, Omaha was experiencing economic instability and political change. Omaha had a reputation as a "wide open" city which had been controlled for many years by a political machine. A small group of corrupt individuals determined who was elected to public office and controlled city services and institutions such as the police department, courts and juries, and the *Omaha Bee* newspaper.¹³

Progressive Omahans, however, began pushing for reforms as early as 1908 and slowly chipped away at the machine. In 1918 a new reform-minded administration led by Mayor Edward P. Smith entered office with a mandate to remove the last of machine corruption from the city. However, the deposed bosses were not willing to accept their loss of power and began a concerted attack on the new city government through their one remaining weapon, the *Omaha Bee*. To erode public confidence in the municipal administration, the *Bee* attacked the police force in a series of articles that portrayed it as corrupt, inept, and vice-ridden. The newspaper published numerous sensational, front-page accounts of sexual assaults on white women committed by black men. These attacks, the *Bee* maintained, took place because of police incompetence or with their connivance.¹⁴

This newspaper campaign, which was sometimes joined by the other Omaha papers, convinced a majority of Omaha residents, especially women, that in the present environment no white female was safe. The *Mediator* even called for the formation of vigilance committees to do the job of the police if city officials could not end the crime wave. These charges went unrefuted despite the efforts of the city's black newspaper, the *Monitor*, and despite records held in the Douglas County attorney's office which showed that of the seventeen cases of alleged assault during the previous year, only

four were charged to blacks and only three of these men were charged with attacks on white women.¹⁵

By the late summer of 1919 labor unrest, racial hatred, crime, and government ineptness, fueled by a sensationalist press, had provided the ingredients for crisis in Omaha. Violence finally erupted on September 28. When it ended, a black man had been lynched, the Douglas County courthouse lay in ruins, and the city found itself under federal military control.

The alleged assault on Agnes Loebeck, a white woman, by a black, Will Brown, was the spark that set events in motion. After one failed attempt to lynch Brown as he was being transferred to the Omaha jail, rumors began to circulate that a mob would try again. By early afternoon on Sunday, September 28, a group of youths gathered in South Omaha and began a march to the Douglas County courthouse downtown, where Brown had been taken for safekeeping. By 4:00 P.M. a large crowd had gathered near the courthouse and its mood had become increasingly hostile.

By early evening the situation had escalated beyond the control of the Omaha police and city officials, who had become virtual prisoners inside the courthouse. The size of the crowd was estimated at from 5,000 to over 15,000 people. By 8:00 P.M. the mob began firing on the courthouse with guns looted from nearby stores and by 8:30 had set fire to the building, thwarting attempts by the fire department to extinguish the flames.

The riot culminated about 10:30 P.M. after the mob had tried to lynch Mayor Ed Smith, who had been dragged from the building after appealing for order. The suspect, Brown, had also been seized, beaten, riddled with bullets, and hung from a lamp post. His body was then burned and dragged through the streets. Some members of the mob continued to mill around in the downtown area until after midnight. Sometime between 10:40 and 10:50,

federal troops arrived on the scene after considerable delay and repeated pleas from local and state civil authorities.¹⁶

Omaha and Nebraska officials began seeking federal military aid as early as 6:20, but because they directed their requests to both local army posts, Forts Crook and Omaha, and to the War Department in Washington, their signals became crossed, and army intervention proceeded slowly at all levels. The paths eventually converged at 10:45 P.M. when Secretary of War Baker issued orders for federal troops to intervene.¹⁷

Lieutenant Colonel Jacob Wuest, commanding Fort Omaha, was the army commander closest to the riot. He received his first news of the formation of the courthouse mob at 6:20, although he later indicated that he had knowledge of its existence as early as 5:30. During a telephone call requesting aid from a captain of the Omaha police, Wuest replied that he could not deploy troops without the direct authority of the War Department and “after civil authorities had exhausted all the means at their disposal to quell the disorder” as required by federal statutes. While it appears that Wuest was familiar with at least a portion of the pre-war laws regarding the summoning of federal forces to aid civil authorities, his actions were contrary to the emergency provisions of army regulations that allowed immediate intervention in situations where a delay could result in the loss of life and destruction of property. In addition, his reply indicated his lack of knowledge of the direct access policy formulated in 1917, published army-wide in General Order No. 147 of November 1917, which had been acted upon repeatedly elsewhere in the nation by other more junior officers during the last two years.¹⁸

Less than ten minutes after he had received this first call for aid, Wuest received a second request from the federal marshal, who wanted Wuest to send troops from Fort Omaha to pro-

tect the federal prisoners confined in the courthouse. This was a legitimate request to protect federal property and authority, a request which had prompted numerous, unquestioned interventions during the previous forty years. But Wuest again refused to act without authorization from Washington, citing the same reasons as before.¹⁹

Local authorities continued to call on Wuest between 6:30 and 7:30. But he remained firm, informing local, state, and federal officials that “federal troops could not be used as a posse comitatus” without authorization from higher authority and that their applications for aid should be made to Washington. Wuest was directly referring to the form of deployment expressly forbidden prior to 1917 by the Posse Comitatus Act of 1878.²⁰ Had Wuest been aware of current civil and military policies regarding federal military intervention in civil disorders, the emergency provisions of Army Regulations, and recent wartime precedents, troops could have been dispatched to the scene of the riot as early as 6:20 when the first call for aid was received. Wuest was unwilling to risk criminal prosecution or damage to his career by intervening in a civil disorder, perhaps illegally, without explicit orders to do so.

However, Wuest did begin to monitor the developments at the courthouse after 6:30. He sent his adjutant to the scene, while two other officers, Major Clarence H. Maranville and Captain Henry T. Lewis, were sent downtown to collect army personnel. At the same time, he ordered that machine guns be taken out of storage, that units prepare for action, and that rifle ammunition be made ready.

While these preparations were underway, Wuest began to receive the first of several reports from his adjutant near the courthouse. At 8:00 P.M. he was informed that the crowds were increasing “but were not viciously disorderly and were capable of control.”²¹ These reports were contradicted by the

post-riot reports of Colonel Alexander L. Dade of the Inspector General’s Division and Captain Henry T. Lewis of Army Intelligence, who both stated that widespread looting was in progress at 8:00. The initial report by Wuest’s adjutant was followed by another call at 8:15 stating that the mob was “boisterous but no violence had been committed,” although again the reports of Dade and Lewis claimed that the looting of a gas station and torching of the courthouse began around 8:30.²²

At about this time Nebraska Adjutant General H.J. Paul called Wuest to request federal troops for riot duty as no state troops were available. He asked Wuest to contact the captain of the local National Guard unit, located at Benson, west of Omaha, to have that force sent to the city. However, the unit had been disbanded after completing wartime federal service. Soon after speaking to the adjutant general at “about 8:45” Wuest received a report that the mob had gotten out of control and was threatening to burn the courthouse, an act not reported to him by his adjutant until thirty minutes later.²³

Wuest responded by dispatching a truck downtown to transport troops back to Forts Crook and Omaha. A second truck was sent at 8:55, a third at 9:30, and a fourth at 10:03. Instead of carrying armed troops to the riot, each vehicle contained one officer and three to four armed men who did nothing more than ferry troops away from the scene of the disturbance as ordered. After the return of the last vehicles at 10:25, Wuest decided to intervene without awaiting orders from Washington. He later explained his reasoning:

The situation at this time had become so acute that it was evident that any further delay would be disastrous and that in order to protect the lives and property of the citizens of Omaha prompt action would have to be taken without longer awaiting instructions from Washington.

He stated that he withheld action “until it became apparent that the civil authority had failed to make use of the means provided by law to suppress dis-

orders” and was “helpless in coping with the situation.” The colonel’s decision came approximately four hours after he first learned of the existence of the mob at the courthouse.

As Wuest began to deploy his own troops, he contacted Colonel J. E. Morris, the commanding officer at Fort Crook, informing him of his decision to intervene. He then assembled his command and ordered six officers and 206 men to move into the city. However, as the troops began to move out, a report was received that the mob was now descending upon the black neighborhood in north Omaha. Dividing his forces, Wuest sent the Twenty-seventh Balloon Company under the command of Major Henry C. White to disperse the mob at the courthouse, while the Seventeenth Balloon Company, under Major Maranville, proceeded to the black district to protect the populace.

At 10:45 Wuest finally received instructions to intervene from Secretary of War Newton D. Baker, who was responding to a request for aid from Nebraska Lieutenant Governor P.A. Barrows. Perhaps because of Wuest’s refusal to intervene on his own initiative, Barrows put his request for military aid in the pre-war form required by RS 5297, rather than as a direct access request, which had failed to prompt action through the initiative of the local military commander. Baker approved the request on his own authority and directed Wuest to offer all possible assistance to Omaha civil authorities and to request whatever troops he deemed necessary in the secretary’s name from the commander of the nearest sizable army garrison at Camp Dodge, Iowa.

Meanwhile Wuest’s initial deployments proceeded. Major White’s force arrived in the vicinity of the courthouse in time to prevent any further loss of life or property and quickly dispersed the remaining small groups milling around the charred building. The largest portion of the crowd, however, had already departed. Apart from breaking up these small gatherings of rioters and



Cartoonist Doane Powell expressed Omaha’s gratitude for federal military assistance during the 1919 riot. From *The Omaha Evening Bee*, September 30, 1919.

putting an end to scattered looting, Major White’s troops experienced no resistance. Meanwhile, Major Maranville’s force found the black community tense. Soldiers reported exchanging shots with “snipers” on rooftops, but no casualties were incurred by either side. At midnight a second detachment of 108 officers and men of the Fourteenth and Twenty-fourth Balloon companies based in Omaha arrived to reinforce the Seventeenth Balloon Company in the black neighborhood. By 1:15 A.M. the area was reported to be quiet. Wuest’s adjutant at the courthouse made his final report forty-five minutes later, also stating that all was quiet.

Garrisons throughout the Midwest immediately responded to calls for troops. By 10:00 A.M. on September 29, Fort Crook commander Colonel John E. Morris, Twentieth Infantry, a more senior officer to Wuest, com-

manded all troops in Omaha and the reinforcements, which had arrived from Camp Dodge, Iowa; Camp Grant, Illinois; and Camp Funston, Kansas. The largest detachment, from Camp Dodge, consisted of a provisional machine gun company of eleven officers and 152 men. The army commanders quickly promulgated emergency measures to prevent a repetition of the previous day’s events. Colonel Wuest had already issued a proclamation to all newspapers informing the public that the situation was under control and warning residents that any citizen “bearing arms” faced immediate arrest. A second proclamation was later issued ordering all blacks to remain indoors. By nightfall of Monday, September 29, the army could report that Omaha was quiet.

That evening Army Central Department Commander Major General Leonard Wood, who had just arrived in Bismarck, North Dakota, received news of the disturbance. The call from Omaha triggered a flurry of activity. Wood immediately called Army Chief of Staff Major General Payton March, who granted him authority “to call upon any troops within the limits of the department” to restore order.²⁴

Although Wuest’s initial intervention could be justified under the conditions outlined for emergency situations in army regulations, General Wood now assumed overall control under authority of the wartime policy of direct access formulated by Secretary of War Baker in 1917. To calm edgy public officials nationwide, and to review federal policies for the benefit of army commanders, Baker reaffirmed the direct access policy on October 3 and 15, 1919, in light of the recent race riots in Omaha and in Elaine, Arkansas, and due to the outbreak of a nationwide steel strike and threats of a nationwide coal strike.²⁵ President Wilson, who had suffered a stroke on September 25 while on a tour promoting the League of Nations, was not consulted about the deployment of troops to Omaha. No cease and desist proclamation was

issued prior to the dispatch of federal troops to Omaha as required by RS 5300. However, Wood did issue a proclamation in Wilson's name informing the citizens of Omaha of the arrival and mission of the army, adding incorrectly that the governor of Nebraska had called upon the president requesting federal aid. In reality, the first request to the War Department for aid came from Lieutenant Governor Barrows and arrived in Washington at 9:43 on September 28 during the riot after requests for military intervention on the local level produced no results. Governor Samuel R. McKelvie was in North Platte when the riot began.²⁶

General Wood was an army officer with vast experience in civil-military affairs, a penchant for publicity, and a man with presidential ambitions. His prior service as chief of staff and as a military governor in Cuba and the Philippines gave him unrivalled knowledge on how to restore faltering civil authority. He would soon gain additional civil disturbance experience and useful publicity in the coming weeks in Gary, Indiana, where he was the initial commander of the federal troops sent for riot duty during a steel strike. His quest for the 1920 Republican presidential nomination gave him an air of notoriety that augmented an already decisive personality. After receiving orders from the War Department, he set off from Bismarck for Omaha by special train.²⁷

Wood arrived in Omaha on September 30, two days after the riot had ended, and immediately met with Governor McKelvie, Acting Omaha Mayor William Ure, and Colonel Morris. He approved the earlier troop dispositions and issued new orders to prevent further rioting and to emphasize the seriousness of the situation. The revised troop deployment created a strong reserve capable of being rushed to any trouble spot, although the likelihood of further trouble already seemed remote. This central reserve consisted of one



U.S. Secretary of War Newton D. Baker. Courtesy of National Archives and Records Administration.

provisional company, a provisional machine gun company, and a provisional battalion based at the city auditorium. Three other company-size detachments were deployed at Twenty-fourth and Lake streets (the black neighborhood), at the courthouse and city hall, and at Twenty-fourth and O streets (South Omaha). General Wood threatened to use deadly force if necessary to keep order.²⁸

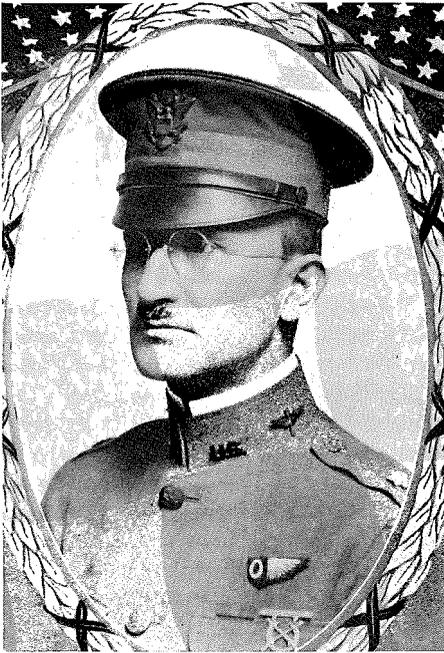
Wood's next step was to issue a proclamation outlining the reasons for the federal military presence in Omaha. Citizens were forbidden to carry firearms or to attend any large public gatherings. Drawing on community support to help with local policing, Wood approved the deputizing of 200 white men belonging to the American Legion. On October 1, 1919, in a move of dubious legality, General Wood, without advice, input, or orders from either President Wilson or Secretary Baker, declared modified martial law in Omaha. Such an action was a rare event in American history and was uncalled for in this case. All violence had ended four days previously; civil courts, police, and officials were in place and functioning; and in all respects the city had returned to normal. Because soldiers are not legally authorized to declare martial law of any form without the express direction of the president, Wood was overstepping his authority.²⁹

Wood next took it upon himself to supplant civil officials for the purpose of rebuilding the law enforcement agencies of Omaha to prevent any repetition of the recent violence. In virtually all after-action reports, army officers criticized the performance of the police. Colonel Wuest, for example, noted:

The most impressive feature of the riot was the lack of preparation on the part of the authorities . . . to meet a crisis which was known by them to be impending.

He further stated that "the police on duty made no effort to disperse the crowds when opportunity offered to do so," and that "they remained as scattered individuals . . . and as such their

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Lieutenant Colonel Jacob Wuest, commanding Fort Omaha. Courtesy of Historical Society of Douglas County . . . (right) P. A. Barrows, Nebraska lieutenant governor. (NSHS-P853)



timidity and their isolation made them ineffective.”³⁰ While these were charges that the police could just as easily have leveled against Wuest, they were willing to accept any aid the army could offer.

The cornerstone of Wood’s plan was to augment the police force by adding 100 “carefully selected men” and by purchasing an impressive array of modern weapons including .45-caliber revolvers, riot guns, and .30-caliber Browning machine guns. The general’s request that these items be supplied from federal arsenals, however, was denied by the War Department, which cited statutes forbidding the sale of federal arms to municipalities. However, the other restructuring efforts went forward.³¹

Undaunted by the setbacks involv-

ing the rearming of the police, Wood proceeded to investigate the riot and arrest mob ringleaders. On the basis of photographs confiscated from the public, the army (aided by police and deputized American Legionnaires) identified and arrested 100 men suspected of being mob participants, although such actions by the army would have been violations of the Posse Comitatus Act in pre-war times, undertaken as they were without a presidential proclamation and during an unauthorized state of martial law. Wood told the Legionnaires to “use no more force than is necessary and use all the force that is necessary.” “Remember,” he stated, “you are sent for a certain man. Come back with him. Bring him in alive if possible. But bring him in.”³²

Although no charges were initially filed against those arrested, police officials later arraigned suspects on a variety of crimes from arson to murder. The police compiled an additional list of over 300 alleged participants in the mob who were now being sought for questioning. Pending trial and the convening of a grand jury, the suspects were held without bond in army custody despite the dubious legality of the measure, while army intelligence officers aided police interrogations. General Wood himself interviewed several suspected mob participants. Even though photographic identifications of mob members were available, including a grisly view of Omaha residents surrounding the bonfire consuming Brown’s remains, all of the suspects were eventually released.³³

Wood's publicized conclusions concerning the causes of the Omaha riot relate closely to his presidential aspirations. Much of his strategy for capturing the 1920 Republican presidential nomination rested on his philosophy of "Americanism" and a staunch opposition to radicals and aliens. Although he had initially blamed sensational reporting by the local press for the outbreak of racial violence in Omaha, he soon concluded that the Industrial Workers of the World (IWW) was responsible. Two days after he arrived in the city, he recorded in his diary, perhaps for later public consumption, that "there were a number of requests for IWW meetings and one Russian soviet, all of which were declined," and that "every day demonstrates more and more the fact that preparations have been made by the IWW or some other organized element of disorder, to create very serious trouble and probably burn a good section of the city."³⁴

On the eve of his departure Wood addressed the Omaha University Club and publicly blamed the IWW for the trouble. His speech reflected the Red Scare hysteria which was sweeping the nation, but in the case of Omaha, there was a significant gap between Wood's campaign rhetoric and the actual causes of the racial violence. His actions in deploying troops, rebuilding the Omaha police, investigating the riot, and arresting the ringleaders of the lynch mob indicated that the general had a better understanding of the situation than his public utterances revealed. Combating anti-radicalism was more popular and politically expedient than charging whites with the lynching murders of blacks and the destruction of public property.³⁵

The army's efforts in Omaha involved the largest contingent of federal troops (upwards of seventy officers and 1,222 enlisted men) deployed to deal with racial violence during the 1919-20 period. The initial emergency had already passed before the troops arrived and by mid-October

only two companies of regulars remained in the city to support municipal authority and the recreated and rearmed Omaha police force. The last federal troops departed on November 15.³⁶

The army's performance in Omaha was effective in preventing further disorder even though the fury of the mob had largely subsided before the soldiers arrived. The troops had little to do besides patrol quiet streets, and they performed no functions that Omaha civil authorities could not have performed themselves. Considering past instances of federal military intervention in labor disputes and race riots, the time for army intervention with overwhelming numbers of heavily armed soldiers was on the early afternoon of September 28.

Colonel Wuest, while familiar with the basic pre-war guidelines governing the use of federal troops in domestic disorders, was unfamiliar with the changes that had taken place since 1917 and he was evidently not aware of the emergency provisions contained in Army Regulations concerning the use of troops to quell a riot. His lack of familiarity with the regulations explains his hesitancy to intervene until the riot was nearly over, as well as his desire to avoid taking any initiative that could have costly ramifications if unsupported by higher authority. However, Wuest was commended by General Wood for "the prompt and efficient manner" in which "he responded to the call of the civil authorities during the recent disturbances," even though Wood had discussed the causes of the riot with city officials and supposedly had read the contradictory reports of other army officers present.³⁷

Wuest's performance during the Omaha race riot had no effect on his subsequent career in the Army Air Corps. He served in a variety of posts before being promoted to full colonel in 1934, and before retiring on disability with the Legion of Merit in May 1944. He died in January 1977 at age ninety-six.³⁸

Within a week of the Omaha riot General Leonard Wood was sent to command federal troops in Gary, Indiana, where violence had erupted due to a steel strike. There he used the same dubious legal tactics as in Omaha, declaring martial law without presidential approval and usurping many of the functions normally performed by the civil government.

Wood's leadership in Omaha and in Gary gave him a strict law and order reputation that appealed to many Americans during that time of heightened fear of revolution at home and abroad. Although he was a strong contender for the Republican presidential nomination, the nomination went instead to Warren G. Harding of Ohio. Wood returned to command of the army's Central Department, and in 1921 became Governor General of the Philippines. He died during surgery to remove a brain tumor in August 1927.³⁹

While the army intervention in the Omaha race riot was only a small incident in American racial history and in the history of the use of federal troops in domestic disturbances, it serves as a reminder of the need for alert, knowledgeable, and aware military officers who are willing to take the initiative and who are capable of fulfilling the internal defense mission of the army within the bounds of law and precedent. Prompt, decisive action by Colonel Wuest could have prevented the gathering of the mob that eventually attempted the murder of Mayor Smith, lynched Will Brown, and destroyed the Douglas County Courthouse. The army succeeded in preventing further bloodshed and destruction in Omaha, but more timely intervention could have prevented the violence altogether.

NOTES

¹This study is drawn from the unpublished "The Race Riots of 1919," by the author, Ron Cole, and Paul C. Latawski, the latter two formerly of the U.S. Army Center of Military History, Washington, D.C. It will be part of the

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center's second volume (1877-1945) of a three-volume history concerning the role of federal troops in domestic disturbances, 1787-1970.

¹"Our Own Race War," *North American Review*, 210 (1919), 436-38; "The Lynching Industry," *The Crisis* 19 (Feb. 1920), 183-84. The army was called to deal with six of these disturbances. The remainder were quelled by local and state military and police forces.

²Cassius Dowell, *Military Aid to the Civil Power* (Ft. Leavenworth, Ks.: General Service Schools, 1925), 201-10 passim. For a composite history of the army role in civil disturbances between 1787 and 1919, see Frederick T. Wilson, *Federal Aid in Domestic Disturbances* (Washington, D.C.: GPO, 1903); Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disturbances, 1787-1878* (Washington, D.C.: Center of Military History, 1989); Jerry M. Cooper, *The Army and Civil Disorder* (Westport, Ct.: Greenwood Press, 1980); Bennett Rich, *The President and Civil Disorder* (Washington, D.C.: The Brookings Institution, 1941); Edward Berman, *Labor Disputes and the President of the United States* (New York: Columbia University Press, 1924).

³For the effect of the Posse Comitatus Act on the army see H. W. C. Furman, "Restrictions Upon the Use of the Army Imposed by the Posse Comitatus Act," *Military Law Review* 7 (Jan. 1960), 85-129. For the act itself see Adjutant General's Office, *Index of General Orders* (Washington, D.C.: GPO, 1879), GO No. 49, July 7, 1878; and subsequent Army Regulations beginning as early as the Regulations of 1894. The act is contained in either paragraph 484 or 486, depending upon the date of issue of the regulations.

⁴Several inquiries were held by the army concerning officers who allegedly violated this act, including Colonel Nathan Dudley during the Lincoln County War in New Mexico Territory in 1878-79 and Brigadier General Henry C. Merriam following the Coeur d'Alene disputes in 1899. Both were exonerated. Brigadier General George Crook was reprimanded for violating the act in Hastings, Nebraska, in 1879, as was Brigadier General George Gibbon during the anti-Chinese riots in Washington in 1885-86.

⁵Adjutant General's Office, *Index of General Orders*, GO No. 71, Oct. 1, 1878. The emergency provision as set down in GO No. 71 is repeated as either paragraph 487 or 489 of Army Regulations. The applicable paragraph in 1919 was para. 487, see *Regulations for the Army of the United States 1913*, corrected to Sept. 24, 1917 (New York: Military Publishing, ca. 1918).

⁶Furman, "Restrictions Upon the Use of the Army," 86.

⁷Adjutant General, *Index of General Orders* (Washington, D.C.: GPO, 1904), GO No. 55, No. 19, 1903; *Federal Aid*, App. G, "Sec. 111, National Defense Act of 3 June 1916," 322.

⁸See Memo, Baker to Bliss, May 29, 1917, Box 12, Glasser File, Wartime Strikes and the Army, Record Group 60, Records of the Department of Justice, National Archives and Records Administration, Washington, D.C., hereafter RG 60, NARA. Baker's actions followed the rendering of a dubious legal opinion by the army judge advocate general's office. See Opinion on Legal Theory on the Use of Troops in Civil Areas During War, Mar. 12, 1917, Box 11, Glasser file-Lumber, 7e-7f, RG 60, NARA.

⁹War Department, *General Orders and*

Bulletins, 1917 (Washington, D.C.: GPO, 1918), GO No. 147, Nov. 20, 1917.

¹⁰No comprehensive list of domestic federal military interventions exists. The author has a partial list showing 137 separate deployments between June 1877 and July 1945. For wartime examples see War Department, *Annual Report of the Secretary of War, 1920* (Washington, D.C.: GPO, 1920), 68-70; Berman, *Labor Disputes*, 207; Rich, *President and Civil Disorder*, 152. The Glasser file in RG 60 is a rich source of primary material on the use of federal troops in labor disputes during the World War I period.

¹¹Lawrence H. Larsen and Barbara J. Cottrell, *The Gate City: A History of Omaha* (Boulder, Pruet, 1982), 157, 167-68; Michael L. Lawson, "Omaha, A City in Ferment: Summer 1919," *Nebraska History* 58 (Fall 1977), 398, 415; Robert H. Lyman, ed., *The World Almanac and Book of Facts for 1933* (New York: New York World Telegram, 1933), 342.

¹²"Another Woman Attacked in Omaha," *New York Times*, Oct. 2, 1919, 1:4; Larsen and Cottrell, *The Gate City*, 156; Lawson, "Omaha, A City in Ferment," 398. For labor troubles in Omaha see Lawson, 395-400.

¹³"The Real Causes of the Two Race Riots," *The Crisis* 19 (Dec. 1919), 62; Lawson, "Omaha, A City in Ferment," 395-417. For a detailed history of Omaha politics see Larsen and Cottrell; Orville D. Menard, "Tom Dennison, the Omaha Bee, and the 1919 Omaha Race Riot," *Nebraska History* 68 (Winter 1987), 152-65.

¹⁴Menard, "Tom Dennison," and Larsen and Cottrell, *The Gate City*, cover the riot. For a review of Omaha's reform administration, see Louise Rickard, "The Politics of Reform in Omaha, 1919-1925," *Nebraska History* 53 (Winter 1972), 419-45.

¹⁵Report of Colonel Alexander L. Dade to Commanding General, Central Dept., Oct. 15, 1919, Box 5, Glasser File, RG 60, NARA, (hereafter Dade Rept.); Lawson, "Omaha, A City in Ferment," 412-13. Lawson quotes newspaper figures stating that between June 7 and Sept. 27, 1919, twenty-one attacks took place, sixteen of which were committed by blacks. Only one victim was black.

¹⁶There are numerous sources for the events of September 28, including the Dade Report; Report of Captain H.T. Lewis, intelligence officer, Fort Omaha, Oct. 27, 1919, in Record Group 165, Records of the War Department General Staff, File 10218-371-11; Military Intelligence Division, NARA (hereafter Lewis Rept.); Larsen and Cottrell, *The Gate City*, 169-72; Menard, "Tom Dennison," 158-60; and files of the *Omaha Bee*, *Omaha Daily News*, and *Omaha World-Herald* beginning September 29, 1919.

¹⁷Report of Lieutenant Colonel Jacob W.S. Wuest, CO, Fort Omaha, Oct. 2, 1919, RG 165, Records of the War Dept. General Staff, Files 10218-371-4 and 10218-317-11, Military Intelligence Division, NARA (hereafter Wuest Rept.); see also Lewis and Dade Repts.

¹⁸Wuest Rept. Most wartime interventions under direct access were initiated by company and field grade officers responding to the calls of local civil authorities. In one case, Captain Omar Bradley intervened under emergency provisions of Army Regulations to disperse a parade held by striking Irish-American miners in Butte, Montana in March 1918. See Rept., Bradley to Commanding General, Western Dept., Mar. 19, 1918,

War Dept. File AG 370.6, RG 407, Records of the Adj. Gen., USA, NARA; and Butte Mine Strike, 81-83, Box 10, Glasser File, RG 60, NARA.

¹⁹Wuest Rept.

²⁰Ibid.

²¹Ibid.

²²Wuest, Dade, and Lewis Repts.

²³Until stated otherwise the following is from the Wuest Rept.

²⁴Papers of Leonard Wood, Library of Congress Manuscript Division, Washington, D.C., Accession 4488, Container 12, General Leonard Wood Diary (hereafter Wood Papers).

²⁵Wood Papers, Diary and Proclamation of Sept. 30, 1919; Rich, *Presidents and Civil Disorder*, 155; Arthur I. Wascow, *From Race Riot to Sit-In, 1919 and the 1960s* (New York: Doubleday, 1966), 129-30.

²⁶Memo, Baker to Bliss, May 29, 1917, 25-28, Box 12, Glasser File, RG60, NARA; U.S., War Dept., *General Orders and Bulletins*, GO No. 147, Nov. 20, 1917 (Washington, D.C.: GPO, 1918); and William Preston, Jr., *Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933* (New York: Harper and Row, 1963), 105. All troop movements in the Omaha situation were ordered by Wood or Baker and were made without the knowledge or approval of President Wilson, see Rich, 155.

²⁷Hermann Hagedorn, *Leonard Wood: A Biography* (New York: Harper Brothers, 1931), 333; Jack C. Lane, *Armed Progressive: General Leonard Wood* (San Rafael: Presidio Press, 1978), 234-35.

²⁸"General Wood Orders The Arrest of Omaha's Rioters," *New York Times*, Oct. 1, 1919.

²⁹Wood Papers, Container 12, Wood Diary; *Annual Rept. of the Secretary of War, 1920*, 68-69; Wood used American Legionnaires in Army strike quelling efforts in Gary, Indiana, and Denver, Colorado, in 1919 and 1920.

³⁰Lewis, Wuest, and Dade Repts.

³¹Wood Papers, Container 12, Wood Diary; For the telegrams concerning this matter see Box 5, Glasser File, RG 60, NARA.

³²"Another Woman Attacked in Omaha."

³³For Wood's role see Wood Papers, Container 12, Wood Diary; "Gen. Wood Orders The Arrest of Omaha's Rioters"; "Another Woman Attacked in Omaha"; Wascow, *From Race Riot to Sit-In*, 114-16; Larsen & Cottrell, *The Gate City*, 172.

³⁴Wood Papers, Container 12, General Wood's Diary.

³⁵"Wood Accuses the IWW," *New York Times*, Oct. 5, 1919; Lane, *Armed Progressive*, 233-34.

³⁶Wascow, *From Race Riot to Sit-In*, 115-17; *Report of the Secretary of War, 1920*, 68-69.

³⁷Letter, Wood to Wuest, Oct. 14, 1919, and reply, Wuest to Wood, Oct. 20, 1919, Container 131, Wood Papers.

³⁸For a biography of Wuest, see "Jacob Winfield Scott Wuest," *Assembly* 37 (December 1978), 106; and William H. Donaldson, ed., *Biographical Register of Officers and Graduates of the United States Military Academy, 1920-1930* (Chicago: R.R. Donnelley and Sons, 1930), 7:598.

³⁹*Who Was Who in American Military History* (Chicago: Marquis' Who's Who, 1975), 645-46; Roger Spiller, ed., *Dictionary of American Military Biography*, 3 vol. (Westport, CT: Greenwood Press, 1984), 3:1209-12.