



“Wearing the Hempen Neck-Tie”: Lynching in Nebraska, 1858-1919

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Article Summary: Whether the victims were accused of horse theft, murder, or rape, lynching is often viewed as frontier vigilantism that operated only before the establishment of courts and law enforcement. This notion, however, does not square with the historical record of the more than fifty Nebraskans who died at the hands of lynch mobs.

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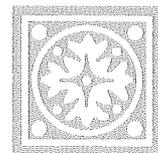
Names: Luther Mitchell, Ami Ketchum, Charles Patterson, Charles Reed, Watson McDonald, Rolf Johnson, Frederick Jackson Turner, Hubert Howe Bancroft, Manfred Berg, Ken Gonzalez-Day, Stephen J Leonard, Elizabeth Taylor, Tom Jones, Michael J Pfeifer, I P “Print” Olive, Harvey Braden, John Daley, James F Bouve, Casper Dircks, Robert Wilson, Mat Miller, Ransel Grant, Mr Dunn, James Jameson, Henry Locke, John Farberger, Thomas Hallowell, Charles Mayes, Wenzel LaPour, John Degman, Charles Pratt, Fred Fisher, William “Hank” Dodge, James McGuire, Silas Garber, J A Kuhn, Lee Shellenberger, David Hoffman, George Smith (aka Joe Coe), Edward Neal, James Boyd, Henry Jackson, Henry Martin, Luciano Padillo, William Gaslin, Jerry White, Manfred Berg, Albert “Kid” Wade, Barrett Scott, Charles Pratt, Erasmus Correll, Eli Owens, John Thayer, Loris Higgins, Mrs Pomeroy Clark, Walter Copple, Eva Copple, Will Brown, Harvey Newbranch, Nick Foley

Keywords: lynching; hanging; private mobs; vigilante justice; summary justice

Photographs / Images: Solomon D Butcher re-enactment photo of the 1878 lynching of homesteaders Luther Mitchell and Ami Ketchum by cattleman I P Olive and his men; Sidney, Nebraska, 1875-1881; Elizabeth Taylor and Tom Jones’ graves, Spring Ranch Cemetery, rural Clay County; artist’s representation of the 1859 lynching of Harvey Braden and James Daley, from *Early History of Omaha*, 1876; map of Nebraska lynchings by county, 1858-1919; report from the *Schuyler Sun*, 1886, about Wenzel LaPour’s crime; Otoe County courthouse; New Mexico native Luciano Padillo; *Nebraska City News*, 1878, hanging of Jackson and Martin; Barrett Scott, former Holt County treasurer, 1894; lynching of farmhand Nick Foley, 1889; grave of Walter and Eva Copple, Bancroft Cemetery; Bancroft map; Loris Higgins’s body dangling from the bridge over Logan Creek; *Pender Times*, 1907 “Higgins Lynched” article

Lists: Lynchings in Nebraska, 1858-1919; Legal Executions in Nebraska, 1863-1997

“Wearing the Hempen Neck-Tie”: Lynching in Nebraska, 1858-1919



BY JAMES E. POTTER

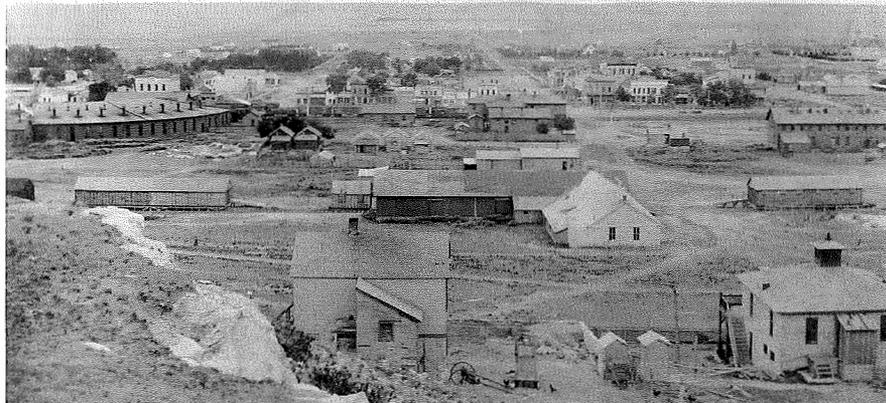


Photographer Solomon D. Butcher staged this re-enactment of the 1878 lynching of homesteaders Luther Mitchell and Ami Ketchum by cattleman I. P. Olive and his men.
NSHS RG2608-2244

In the predawn hours of October 30, 1875, several masked men dragged Charles Patterson from what passed for the jail in Sidney, Nebraska, fitted him with a "hempen neck-tie," and hanged him from a telegraph pole. In May 1879 another Sidney mob forced Charles Reed to jump off a ladder propped against a telegraph pole to which the rope around his neck had been tied. Options had increased by the time Watson McDonald was lynched in Sidney on the night of April 2-3, 1881. A tree in the courthouse yard had grown large enough to bear a man's weight and the mob did not have to use a telegraph pole as a makeshift gallows.¹

The fate of these three men, alleged to have committed murder or attempted murder, fits the accepted definition of lynching: an illegal killing carried out by a group under the pretext of serving justice. The hanging of Patterson, Reed, and McDonald also conforms to mythology long connected with lynching in the American West. As the myth goes, vigilante justice was necessary in frontier communities that were too small, too poor, or too isolated to have reliable law enforcement, a functioning court system, and a secure place to lock up accused criminals. Hence, the citizens themselves assumed the roles of police, judge, and jury and meted out punishment. This very argument was articulated by a citizen of North Platte after three "roughs" were lynched there in 1870: "[U]nder certain circumstances, methods known to law books CANNOT protect society, however faithfully administered and that such circumstances are sometimes embodied in the social conditions of our pioneer communities." The citizen cited insecure jails, infrequent terms of court, and "little chance that the best efforts of courts and officers can keep gamblers and ruffians off juries."²

During the years when Sidney's lynchings took place, the town displayed many stereotypical characteristics of a frontier community. It had recently sprung up adjacent to the military post of Sidney Barracks as the railhead for a major supply trail to the Black Hills mining camps. It had no adequate jail and its law officers were often hard to distinguish from the criminals they were expected to catch. Rolf Johnson visited Sidney in 1879 on his way to the Black Hills and described it as a "hard town," where "soldiers cowboys, bullwhackers, mule-skinners, gamblers, prostitutes, and pimps swarm on the streets, saloon and gambling halls are numerous, and a dance hall is in full blast."³ Nearly everyone carried firearms. When McDonald was lynched in 1881, the North Platte newspaper



noted that Sidney authorities had tried and failed to suppress the town's criminal element. "The citizens then invoked the power that though resident in every community, is without the limits of the law, and by its use compelled a submission to peace and order."⁴

The argument that lynching was a necessary and appropriate response to frontier conditions was also proposed by early historians of the American West, including Frederick Jackson Turner and Hubert Howe Bancroft. Later generations of historians and writers upheld the view that summary justice brought stability to a lawless frontier, represented progress toward "civilization," and was a relatively short-lived phenomenon. These claims were supported by novels, comic books, television programs, and movies that romanticized and mischaracterized lynching as an inevitable consequence of western expansion.

Recent studies of lynching in individual states, regions, and nationally belie the mythology. Manfred Berg in his history of lynching in America concluded that the notion of frontier vigilantism as operating only in the absence of law does not square with the historical record. Ken Gonzalez-Day and Stephen J. Leonard studied lynching in California and Colorado, respectively, and reached similar conclusions. The evidence revealed that as the reach and capabilities of formal legal institutions increased, so did the number of lynchings. Summary justice was frequently applied in the West and Midwest (Nebraska included) during the 1880s and 1890s, and less often after 1900, in localities temporally distant from the assumed social and institutional instability of their formative years.⁵

Sidney, Nebraska, as it appeared during the years from 1875 to 1881, when three men were lynched there. NSHS RG3315-7

While Sidney and North Platte mobs lynched six men during their “frontier” years, even those towns then had lawyers, law officers, and periodic terms of district court. Other Nebraska towns such as Ogallala, Kearney, Crawford, and Chadron with a similar “Wild West” period in their history due

Elizabeth Taylor and her brother Tom Jones, lynched in 1885, are buried in the Spring Ranch Cemetery, rural Clay County.
Photo by the author



to their association with railroads, military posts, or cattle drives, never had a lynching. Lynching most often occurred in communities in the central and eastern part of the state where formal institutions of criminal justice were well established. Nebraska City, founded at the territory’s inception in 1854, earns the dubious distinction as Nebraska’s lynching capital, where five individuals were thus dispatched between 1866 and 1887. Omaha is second with four lynchings, a fifth taking place near Florence, now within the modern city. Omaha also saw Nebraska’s last outbreak of mob violence, the brutal courthouse riot of 1919 culminating in the lynching of Will Brown.⁶

Michael J. Pfeifer in *Rough Justice: Lynching and American Society, 1874-1947*, argues that lynching “was an aspect of a larger cultural war over the nature of criminal justice waged between rural and working-class supporters of ‘rough justice’ and middle-class due-process advocates.” Lynching did not result from an absence of law, but was a reaction to an emerging style of criminal justice “in which the rights of the defendant, the reform of the criminal, and humanitarian considerations were factored-in beyond the punitive demands of communal opinion.”⁷

Several episodes of lynching in Nebraska history are quite well known. The hanging and burning of Custer County farmers Luther Mitchell and Ami Ketchum in 1878 by cattleman I. P. Olive and his men have been the subject of books and articles, as has the 1919 lynching of Will Brown in Omaha. The lynching of Elizabeth Taylor in 1885, along with her brother Tom Jones, is also a famous episode. Taylor and Jones were hanged from a bridge over

the Little Blue River near the Clay County hamlet of Spring Ranch, supposedly on account of the couple’s longstanding feud with neighbors over fences and livestock, her sons’ alleged murder of one of the neighbors, and suspicion that Taylor may have poisoned her husband.⁸

The modern studies of vigilante justice in the West reveal that it was initially applied quite openly in the early years, became more clandestine as time went on, and later was employed not only to punish alleged crimes, but to enforce social, class, or racial prerogatives. The years in which a given territory or state experienced this evolution, as well as the number of lynching victims these localities tallied, depended upon their dates of organization, their population, and their economic and social makeup. Aside from expected differences in the number of victims, the story of lynching in Nebraska compares well with how it played out elsewhere in the West.

Early Nebraska lynchings often punished property crimes such as horse theft or robbery. Such was the case with the first well-documented lynching, that of alleged horse thieves Harvey Braden and John Daley near Omaha in 1859. Two years later James F. Bouve was lynched at Omaha for robbing and beating a woman. Three men were said to have been lynched in Pawnee County in 1864 for stealing horses during the “Jayhawking” outbreak of the Civil War years.⁹

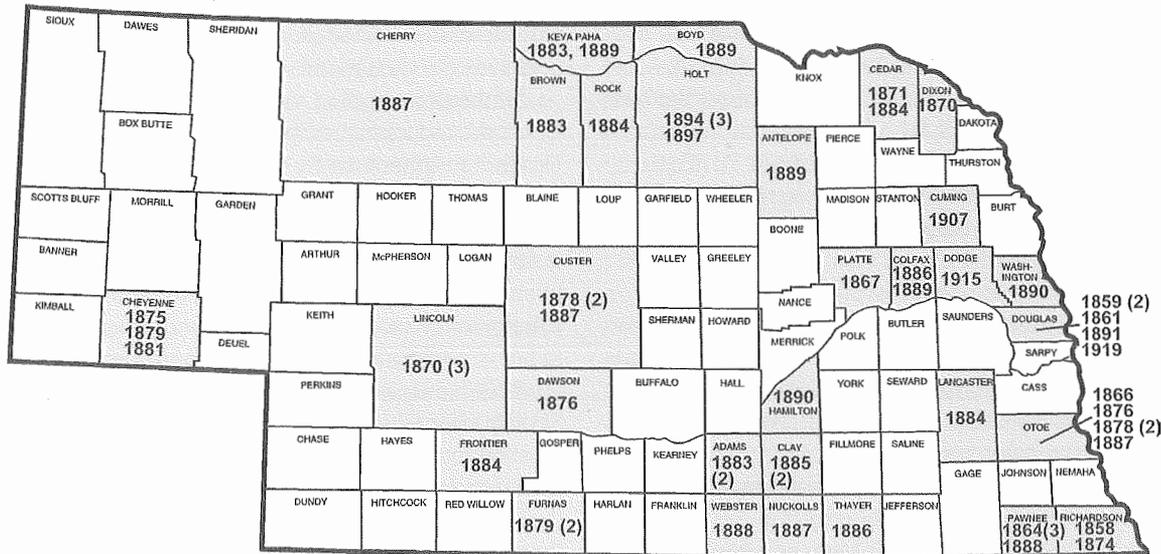
Another characteristic of some early lynchings, both in Nebraska and elsewhere in the West, was that they were carried out in the full light of day and sometimes followed trials by “People’s Courts” that adopted the trappings of formal judicial proceedings. Such was the case in Nebraska City in 1866 when Casper Dircks, an emigrant from Germany, was charged with murdering fourteen-year-old Henry Hamilton. Shortly after his arrest on the morning of August 16, Dircks was taken to the city park where hundreds of citizens had congregated. Lawyers and a jury were appointed and witnesses were called. After the jury returned a verdict of willful murder, the assembled citizens voted to execute Dircks at 6 p.m. that same day. He was returned to the jail and had time to compose his will while a gallows was being constructed in the courthouse yard. He was then hanged at the designated hour.¹⁰

Similar circumstances attended the lynching of Robert Wilson at Columbus in 1867 and Mat Miller at Ponca in 1870. After Wilson shot Ransel Grant, he was captured, brought into town, and a “trial” was held before a justice of the peace. A citizens’ committee drew up a warrant stating



An artist’s representation of the 1859 lynching of Harvey Braden and James Daly appeared in Alfred Sorensen’s *Early History of Omaha* (1876).

NEBRASKA LYNCHINGS BY COUNTY, 1858 - 1919



that because of "the uncertainty of the law in this territory and there being no safe place of confinement in this county . . . we are of the opinion that justice requires that Robert Wilson ought to be executed without delay." While the citizens restrained the sheriff and his deputy, Wilson was promptly hanged from a nearby tree.¹¹ Miller had been arrested and brought back to Ponca charged with the murder of a Mr. Dunn, whose bloody corpse had been found near the town. The citizens promptly seized him from the sheriff and tried him "before a self-organized and orderly tribunal held in a church." After Miller confessed, the citizens voted to hang him. Miller was taken immediately to the west side of Ponca and lynched from "three scantlings joined at the top." The expedient gallows failed to break his neck and Miller strangled to death.¹²

The lynching of James Jameson at St. Helena, Cedar County, in 1871 also took place in broad daylight and was attributed in part to fear that he might escape from custody before he could be tried. Said to have been guilty of several previous crimes and escapes, Jameson had been arrested in Omaha for the ax murder of one Henry Locke. When he was taken back to St. Helena on May 14, 1871, pending trial, a large crowd of citizens was waiting and "he was at once strung up" the same afternoon after having confessed to the crime. Contemporary accounts said he was lynched because no one doubted his guilt and also because "he was a deep-died (*sic*) and slippery scoundrel and the only safety was in hanging him, as no ordinary jail would hold him."¹³

On the basis of population, tiny St. Helena could certainly claim distinction as Nebraska's lynching capital after a second man, John Farberger, was lynched there in the fall of 1884. Farberger had worked as a farmhand for the county sheriff and after being discharged, set the sheriff's haystacks on fire. While being arrested Farberger shot and mortally wounded a deputy sheriff. Other officers subdued Farberger and an enraged mob then dragged him to the jail yard in St. Helena and hanged him to a post. Recalling the 1871 lynching of Jameson, the *Omaha Daily Herald* noted that "When necessary, the St. Helena people are addicted to brief terms of Judge Lynch's court."¹⁴

Unlike the cases of lynching that emulated a regular trial, reflected a broad degree of community consensus and participation, and were carried out in the daytime with no particular effort by the perpetrators to hide their identity, many Nebraska lynchings from the mid-1870s through the 1890s tended to be committed by what Michael Pfeifer has termed "private mobs." The latter were smaller and more secretive than the relatively spontaneous "mass mobs," exhibited careful planning and organization, and did their work in the dark. The adoption of such procedures suggests that the lynchers feared they could no longer count on the endorsement of their actions by the community as a whole.

Such was the case at Plum Creek (now Lexington) on June 18, 1876, when Thomas Hallowell shot and killed Deputy Sheriff Charles Mayes, who was trying to serve Hallowell with a writ of ejection.

MOST HORRIBLE!

THE SHERIFF OF THIS COUNTY MOST BRUTALLY KILLED BY A WRETCH OF A PRISONER.

Knocked Senseless, and Dies in an Hour.

Lapour, the Villian, Did the Deed.

John S. Degman, the newly elected Sheriff of this county was most brutally murdered at 8 a. m. Tuesday morning, the 12th of January, 1886, by a prisoner named Wenzel Lapour, who was under arrest for threatening the life of his family and others in the neighborhood.

He has been in the State Asylum once, but was discharged and came back to Colfax county where he has been under arrest more or less of the time for threatened violence. He was brought before Judge Post last week and was remanded back to jail for lack of bonds. Those who know say he is not insane, but purely and utterly devilish.

The *Schuyler Sun*, January 14, 1886, reported the crime for which Wenzel LaPour was subsequently lynched from a tree in the courthouse yard.

The killer was briefly lodged in jail, from which a large number of masked men took him that same night and hanged him from a courthouse railing.¹⁵ A similar scenario played out in Schuyler on January 12, 1886, after county jail prisoner Wenzel LaPour killed Sheriff John Degman that morning by bashing him in the head with a board. At 10 p.m. that night nearly two hundred men dragged LaPour from his cell and hanged him from a tree in the courthouse yard.¹⁶

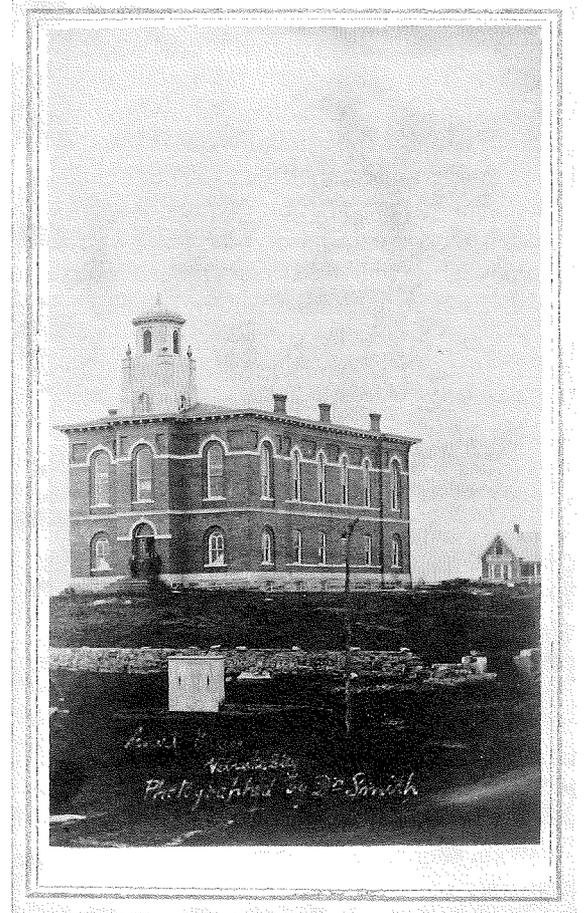
In addition to usually working at night, members of private mobs often disguised their faces or voices and sometimes gave orders via hand signals. Such strategies made it easy for coroner's juries to rule, as they almost always did, that the members of the lynch mob were "parties unknown." It is doubtful that such complete anonymity was literally true. Local newspapers often described the lynching in great detail, even sometimes noting that the victim was allowed a final smoke or quoted his parting words. Often the lynching was said to have been carried out by the community's "best citizens" or in the case of the 1890 lynching of Charles Pratt in Blair, "as to the men engaged, they were neighbors to the murdered man and good, law abiding citizens." Law officers from whom the lynching victim had been seized also routinely pled ignorance of mob members' identity.¹⁷

On those rare occasions when alleged members of a lynch mob were actually charged with a crime, such as four men indicted for the 1859 lynching of Braden and Daily in Omaha, or 189 individuals indicted after the 1919 Omaha riot and lynching, few were prosecuted and the few that were gained acquittal. The only known persons involved in a Nebraska lynching who received any punishment were I. P. "Print" Olive and Fred Fisher, both tried and convicted in Hastings of second degree murder for the 1878 lynching of Mitchell and Ketchum. The two men served several months in the state penitentiary before their convictions were overturned by the Nebraska Supreme Court on grounds that they should have been tried in Custer County, where the crime was committed. A new trial was convened in the latter county in December 1880, but no one came forward to prefer charges and the men were discharged.¹⁸

Some lynchings took place after the accused had already been tried and convicted in a court of law and sentenced to death. One such case involved William "Hank" Dodge, convicted murderer of Otoe County resident James McGuire, whose body had been found floating in a backwater of Frenchman Creek in distant Chase County in

September 1874. Through a combination of circumstantial evidence and testimony by accomplices, Dodge was convicted at a Nebraska City trial and sentenced to be hanged on January 14, 1876.¹⁹

Although an appeal to the Nebraska Supreme Court proved unsuccessful, the Court ordered Dodge's resentencing by the district court, which set a new execution date of July 21, 1876. In the meantime Nebraska City citizens petitioned the governor to commute Dodge's death sentence to life in prison. These efforts intensified after the resentencing. Governor Silas Garber visited Dodge in jail in early July but remained mum about whether he would let the execution proceed. Shortly after midnight on July 10, 1876, several masked men burst into the Otoe County courthouse and shot Dodge in his cell, causing his death four days later. The Dodge case confirms that hanging was not the only method by which a person might be lynched.²⁰



The Otoe County courthouse in Nebraska City was the setting for five lynchings and one legal execution between 1866 and 1887. NSHS RG2352-4

Dodge's case also signals the evolving contest between the "rough justice" and "due process" camps over how the law should be applied, particularly in capital cases. Up to this time, only two men had been lawfully executed in Nebraska, while approximately seventeen had been lynched. Yet the efforts put forth on Dodge's behalf suggest that by the mid-1870s, support for due process was on the rise. Because due process offered the prospect that a death sentence could be and often was appealed and might be overturned, it failed to meet the expectations of those who felt punishment for capital crimes should not only be harsh but swift.

By the 1880s and 1890s claims were increasingly being made (whether valid or not) that death sentences were often being overturned on appeal or being commuted by the governor to life in prison.²¹ While the editor of the *Nelson Gazette* personally deplored the 1887 lynching of alleged murderer J. A. Kuhn in his town, "yet we can see why men, almost everywhere, are falling in with the idea of settling such brutalities in the court of Judge Lynch. More and more grows the idea among the masses that law, more or less, is a farce, that guilty men by the thousands go unpunished, that there is too much dillydallying, so to speak. . . . Men don't fear the execution of the law as they should."²²

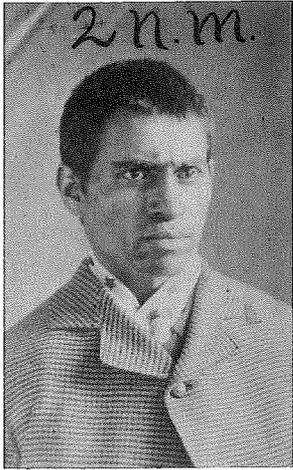
Paradoxically, during those same decades the pace of legal executions accelerated. While only four persons had suffered a legally applied death penalty in Nebraska by 1880, twelve more were executed between 1880 and 1900. Before 1901 legal executions were held in the counties where the crimes had been committed and they often became spectacles, witnessed by thousands and widely reported in the newspapers. Although Nebraska law required executions to be carried out in private, many county seats had no structure large enough in which to erect a gallows. Wooden "privacy fences" placed around gallows standing in the courthouse yard were often torn down by the huge crowds of would-be spectators.²³

Clearly much of the public considered death as the appropriate penalty for those committing murder or rape, particularly when the victim had been a respected community member, a child, or a woman and the alleged perpetrator was perceived as being from the "lower classes" economically, morally, or racially. Many citizens saw the death penalty as vengeance rather than justice. It is not surprising that lynch law was often invoked to satisfy this desire, particularly when punishment according to due process was perceived as being neither swift nor certain.

The connection between "public spectacle" executions, the perceived shortcomings of due process, and the thirst for vengeance dovetailed in two Nebraska lynchings, the first in Nebraska City. A jury had convicted Lee Shellenberger of murdering his daughter and he was sentenced to be hanged on March 25, 1887. His sentence was appealed to the Nebraska Supreme Court, which stayed the execution pending a further review. When the Supreme Court failed to act during its July 1887 term and held the case over until September, some citizens feared the delay signaled that Shellenberger might get a new trial, a change of venue, or even be acquitted, not to mention the added expense to the county for these additional proceedings. In reality, the delay was likely because the three Supreme Court Justices were swamped with cases coming under the court's jurisdiction.²⁴ Apparently there was little or no favorable local sentiment on Shellenberger's behalf, as had been the case for Hank Dodge eleven years earlier. One reason may have been that murdering one's own child was considered particularly heinous.²⁵

Exasperation with the slow pace of resolving the Shellenberger case was triggered into violence by the legal execution of convicted train wrecker David Hoffman in Nebraska City on the morning of July 22, 1887. Although the Hoffman hanging drew a large crowd of spectators to town, the execution itself was carried out behind an enclosure on the courthouse grounds guarded by armed Nebraska militiamen. Following Hoffman's execution, there was talk on the streets about whether Shellenberger should share his fate. The guards initially dispersed the crowd and the local paper reported, "Everyone thought the mob talk on Saturday was all bosh." No extra security was assigned that night to the courthouse, which housed the jail. At 2 a.m. on Sunday morning, July 23, an estimated one to two hundred heavily armed and masked men surrounded the courthouse, broke into the jail, dragged Shellenberger out, and hanged him to a tree in the courthouse yard. The mob's haste precluded careful preparation of the fatal rope. The coroner ruled that Shellenberger had strangled to death, rather than having his neck broken.²⁶

The 1891 lynching of George Smith (aka Joe Coe) in Omaha the day after a legal hanging in that city featured race as an additional factor. Convicted murderer Edward Neal, a white man, was executed on a gallows at the courthouse on October 9, 1891.²⁷ A few days earlier Smith, an African American, had been arrested for the alleged rape of a young girl. Newspaper stories about the crime employed



New Mexico native Luciano Padillo was lynched by a mob in rural Lancaster County on August 23, 1884, for alleged rape. Padillo had been discharged recently from the Nebraska State Penitentiary. He was among a group of inmates being held there under contract with New Mexico Territory, which did not then have a penitentiary. NSHS RG2418-2-NM

racist headlines to inflame public opinion and set the stage for violence even before Smith had been named as the suspect. The *Omaha World-Herald*, for example, stated that there was "Every reason for the lynching of a lustful young Negro," because he was "too vile to live." Then, on the evening of the day Neal was executed one of the newspapers announced, erroneously as it turned out, that the girl had died. As *Savage's History of Omaha and South Omaha* put it, the community felt "that one good act had been performed in the hanging of Neal and that the work would be complete now if Smith was hanged."²⁸

Again, the authorities failed to take any special precautions and by 9 p.m. a crowd estimated at five to ten thousand had gathered at the county jail. The sheriff and other officials, including Nebraska Governor-elect James Boyd, commanded the mob to disperse but to no avail.²⁹ There were simply too few policemen on hand to prevent the surging crowd from overpowering them and entering the jail. After spending almost two hours breaking into Smith's cell, the invaders beat him and then dragged him through the streets with a rope around his neck. The *Omaha Bee* reported that Smith was probably already dead by the time "the yelling, frenzied crowd of determined men" suspended him from telephone wires stretching along Harney Street in front of Boyd's Opera House. For brutality and sheer lawlessness, this episode is eerily similar to the better-known September 28, 1919, riot and lynching of Will Brown on the streets of Omaha nearly three decades later. In both Nebraska City and Omaha, the authorities inexplicably failed to take seriously clear signs that the preceding day's legal executions had fostered a "lynch mob mentality" that might inspire citizens to take the law into their own hands.³⁰

Race has long been associated with lynching in the South during and after Reconstruction and well into the twentieth century. But the modern studies have shown that even in the West and Midwest, with far smaller non-white populations, lynching became increasingly racialized by the late nineteenth and early twentieth centuries. Latinos bore the brunt of mob vengeance in some western states such as California, while in others, such as Wyoming, Chinese and African Americans were disproportionately represented in the catalog of lynching victims when compared to their numbers in the overall population. Three Native Americans were among Judge Lynch's ten victims in North Dakota. Kansas lynched eighteen African Americans from 1880 to 1920. Five black men and two

Mexicans perished at the hands of Nebraska mobs from 1878 to 1919. The five African Americans represented about eight percent of the probable total of fifty-eight individuals dispatched by Nebraska lynch mobs between 1859 and 1919. During the same period, African Americans never exceeded one percent of the state's population.³¹

In Nebraska City in December 1878 two black men, Henry Jackson and Henry Martin, were hanged by a mob for their alleged murder of an elderly Nebraska City man and the beating of his wife during a nighttime break-in. Jackson and

A A A al k vd he be ad at ve m d g m as of at an al d er 1- ay the e, of to ai l.	<p>DARK DEEDS.</p> <hr/> <p>HANGING OF JACKSON AND MARTIN.</p> <hr/> <p>A Party of Masked Men Overpower the Jailor and Guards,</p> <hr/> <p>The Prisoners Found Hanging this Morning near South Table Creek.</p> <hr/> <p>The Coroner's Verdict,</p> <hr/> <p>The Scene of the Execution Witnessed by Hundreds of People. The Bodies Cut Down and Buried.</p> <hr/> <p>Monday night our city witnessed one of those deeds which comes but few times before the public gaze, particularly in Nebraska City, we are most happy to state.</p> <p>THE DEED.</p> <p>The murder of "Apple Charley" and the ravishing of his aged wife, which took place a week ago last Sunday, are yet too fresh in the minds of our readers for them to ask a repetition of them from us, and -office it to say, that our readers</p>	for oth the str ble pri to aft un of ha mo wh bo sel ve Str Cit De He bor tin are up and be De the ing lar are an Ja
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Nebraska City News, December 14, 1878

Martin were convicted on weak and largely circumstantial evidence during a hastily convened trial in Otoe County District Court, but the community was shocked when the jury returned a verdict of second-degree murder, which carried the sentence of life imprisonment rather than the death penalty. In pronouncing the life sentence Judge William Gaslin, well-known for dispensing swift and often final justice, stoked the embers of public outrage by saying that he thought the evidence had justified a verdict of first degree murder. Hearing the judge's remarks, "the densely packed audience cheered loudly and long." According to the *Nebraska City News*, the subsequent lynching that same night, in which an estimated three hundred men overpowered jailers and dragged Jackson and Martin from the courthouse, confirmed that the life sentence "did not altogether suit the majority of our citizens as the episode which occurred last night shows."³²

In August 1887 "a large body of masked men" seized Jerry White, an African American man, from the jail in Valentine and hanged him to a telegraph pole. White had been accused of assaulting a white woman, Amanda Hoffman. The lynching took place right after a preliminary hearing during which Mrs. Hoffman identified White as her assailant.³³

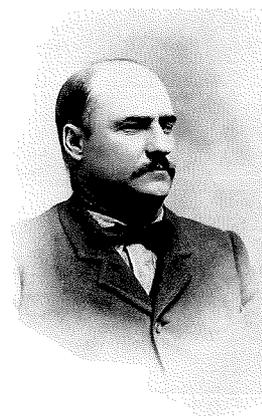
The virulent racism that portrayed African American men as lustful "black brutes" with a proclivity for preying on white women was not confined to the American South. The "brute" stereotype was commonly employed by Nebraska newspapers in reporting such alleged crimes, which doubtless helped fuel public outrage leading to lynching and helping to excuse it once it was over. The *Omaha Republican* headlined its story of the 1878 murder of Jackson and Martin in Nebraska City as "A Little Wholesome Lynching," and characterized them as "murderous and raping beasts and monsters." Before the 1891 lynching of George Smith, the *Omaha World-Herald* had branded him "too vile to live." Afterwards the *Omaha Bee* noted that Smith had been entitled to a trial and the protection of the law even if he "may have richly deserved condign [suitable] punishment at the end of the rope," and condemned the mob as cowardly. Yet the *Bee* did not acknowledge that by characterizing Smith as a "fiend," "colored ravisher," and "brute," it revealed attitudes similar to those that sparked the lynching.³⁴

Manfred Berg argues that after slavery was abolished, white supremacists in the South adopted new tactics to assert racial superiority, foster white solidarity, and intimidate blacks. One was raising

the specter of the animalistic and uncontrollable black rapist. Only instant and merciless revenge against alleged perpetrators of such "outrages" would protect helpless white women.³⁵ This rationale was echoed in Nebraska. The *Nebraska City News* editorialized that by ridding society of "monsters" such as Jackson and Martin, a husband or father could leave home "in the enjoyment of a sense of the security of those he leaves behind." After Jerry White was lynched at Valentine in 1887, the local paper noted, "At all costs the wives and mothers of our citizens must be protected and their persons held sacred." While the mob still milled in the streets after lynching George Smith in 1891, a prominent Omaha attorney praised its members for what they had done: "I don't think there is a married man or woman, a sister, brother, father, or mother in the whole city of Omaha that will not commend your action of tonight and say that you all did right."³⁶

Berg and other historians have also discussed how black lynching victims were often subjected to mutilation by dismemberment, gunfire, or burning to dehumanize and terrorize African Americans. While most of the examples come from the South during the Jim Crow era, a sixteen-year-old black youth accused of rape and murder was burned at the stake in Limon, Colorado, in November 1900 and Fred Alexander was similarly lynched in Leavenworth, Kansas, two months later in January 1901. The Nebraska lynchings of George Smith and Will Brown also demonstrated extreme brutality, which was rarely applied to white lynch victims. The gruesome photo of Brown's burning body surrounded by a leering crowd on the streets of Omaha is one of the most disturbing images from Nebraska's past.³⁷

A third type of lynch mob identified by Michael Pfeifer, the "terrorist mob," was also found in Nebraska. He described terrorist mobs as long-lasting and well organized groups that drew upon existing alliances and organizations and operated in isolated areas. This description fit the vigilantes featured by Harold Hutton in his 1978 book, *Vigilante Days: Frontier Justice along the Niobrara* and may also describe the mob that lynched Elizabeth Taylor in 1885. During the 1880s and 1890s Hutton's vigilantes sought to suppress horse and cattle thieves roaming the recently organized or still unorganized counties of north central Nebraska. One of their best known victims was Albert "Kid" Wade, hanged to a railroad whistling post near Bassett on February 8, 1884. Because the vigilantes held sway in an isolated and unpopulated region



Barrett Scott, former Holt County treasurer, lynched on December 31, 1894.
NSHS RG2411-4925

where bodies could easily go undiscovered, an accurate catalog of the identity and number of their victims is challenging.³⁸

One famous case connected to north central Nebraska's "vigilante days" is that of Barrett Scott. The former Holt County treasurer, lynched on the last day of 1894, may have been the only elected Nebraska public official to meet such an end. Scott had been accused of embezzling some \$90,000 from the county coffers and loaning the money to friends and political cronies. Scott fled to Mexico when the shortage was discovered, but he was soon arrested and extradited to Nebraska to stand trial. In September 1894 he was convicted of the crime and freed on bond pending the outcome of an appeal to the Nebraska Supreme Court. During this interlude Scott was seen dining and playing cards in a local hotel, apparently living a life of comparative luxury at a time when many local residents were suffering through the depression of the 1890s and Holt County was nearly bankrupt. A Supreme Court order granting Scott a new trial

made some local residents wonder if he was about to escape punishment altogether.³⁹

On December 31 a party of masked men intercepted Barrett Scott and his family en route to O'Neill from their ranch north of town and rode off with the former treasurer. He was never seen alive again. On January 19, 1895, searchers found Scott's body under the Niobrara River ice with a rope around his neck. Speculation attributed the lynching to a local vigilance committee whose members may have hoped the former treasurer might still have possession of some of the stolen county money or know where it could be found. Although their initial intention may have been only to intimidate Scott into telling what he knew, his murder was the outcome. Once Scott's corpse was recovered, several suspects were arrested and a trial date was set. Fearing that it would be difficult to get a conviction in Holt County, prosecutors moved the trial to Butte in Boyd County on grounds that Scott's body had been recovered on that side of the Niobrara River. After days of testimony producing largely circumstantial evidence, everyone accused of involvement in Scott's murder was acquitted. In the end, Holt County recovered only about \$2,000 of the \$90,000 Scott had allegedly stolen.⁴⁰

Addressing the reality that a lynching had taken place in their town presented editors with the dilemma of how to report the story. Most tried to walk a fine line by condemning the lynching and proclaiming that the law should have been allowed to take its course, while offering mitigating circumstances to cast the best possible light upon the community, its citizens, and its law officers. The editors often framed lynching in terms of consensus that the mob had acted in the community's best interest. As the Valentine editor commented after the 1887 lynching of Jerry White, "To say that the man who was sent upon this voyage is properly sent is the belief of the community." The 1890 lynching of Charles Pratt in Blair prompted the local paper to proclaim, "Passion was not high, but the conviction that an immediate execution was necessary for the safety of society urged them on."⁴¹ Descriptions of the crowds that gathered to view the corpses of the lynching victims also reinforced the notion of widespread agreement that they deserved their fate. As hundreds gazed at J. A. Kuhn's body suspended from a bridge near Nelson in 1887, "a spark of sympathy could not be discovered ebbing out from the breast of anyone for him who had deliberately taken the life of an honest and worthy citizen of this county." When spectators filed past Loris Higgins's body in Bancroft after his

Farmhand Nick Foley was lynched near Elgin in Antelope County in 1889 for the alleged murder of Mrs. Pomeroy Clark, the wife of his former employer.
NSHS RG29786-8-7



1907 lynching, “not even a look of sympathy was in evidence.”⁴² As Gonzalez-Day notes in his study of California lynching, both the mob and the community at large were upholding the viewpoint that “impartiality is not necessary for the application of justice, only consensus.”⁴³

Newspapers in towns where lynching took place invariably maintained the facade of anonymity shielding mob members and almost always absolved local law officers of any shortcomings. The officers had done their best to protect their prisoner. Either they had been overpowered by overwhelming numbers, or they had turned over the culprit only to avoid the terrible bloodshed that would result if they resisted their otherwise law-abiding fellow citizens. Newspapers rarely, if ever, blamed law officers for poor planning or for failing to take extra precautions when there were clear signs that mob action might be imminent. In several instances the newspapers themselves predicted the likelihood of mob violence, yet seemed surprised when it actually occurred. Occasionally someone was willing to say that the community as a whole might not be blameless. After fifteen men broke into the Hebron jail on June 17, 1886, and lynched alleged rapist Eli Owens, an anonymous citizen argued that a “decent jail” might have prevented the lynching. “The cell . . . was no more protection against a mob than a lath fence. It is time that the penny-wise and pound-foolish policy pursued by the people of Thayer County in voting against a tax to build a jail be changed.”⁴⁴

The newspapers’ use of pejorative terms to describe lynching victims seemed to be another effort to justify the act, particularly when they were “outsiders” such as itinerant laborers or farmhands without strong community ties. At best they were “culprits,” “villainous scoundrels,” “notorious desperadoes,” or “vicious and dangerous” men. If they happened to be Mexican or African American, and particularly if they had been accused of raping a white woman, they were characterized in even more inflammatory terms. The use of such descriptors in newspaper commentary about a lynching was meant to bolster the idea that even though due process had been ignored, there was no doubt of the victim’s guilt.

Sometimes editorial comments bordered on the ridiculous. In speaking of the Shellenberger lynching in Nebraska City in 1887, the *Nebraska City News* propounded the oxymoron that “The mob was well disciplined and orderly.” The *Schuyler Sun* justified the lynching of Wenzel LaPour in 1886 by noting, “Such is the end and doom of those who

give way to unlawful and unholy passions.” The paper went on to characterize the lynching as the means by which “The angry passion of the people allied to a strong sense of justice, found vent.” It’s not clear how the “angry passion” of the Schuyler citizens differed from the “unlawful and unholy passions” that led LaPour to crush the county sheriff’s skull with a board, or how their “strong sense of justice” could sanction an illegal execution. According to Gonzalez-Day, such claims were efforts to persuade those from outside the community that the lynching “represented something other than the complete rejection of legal authority.”⁴⁵

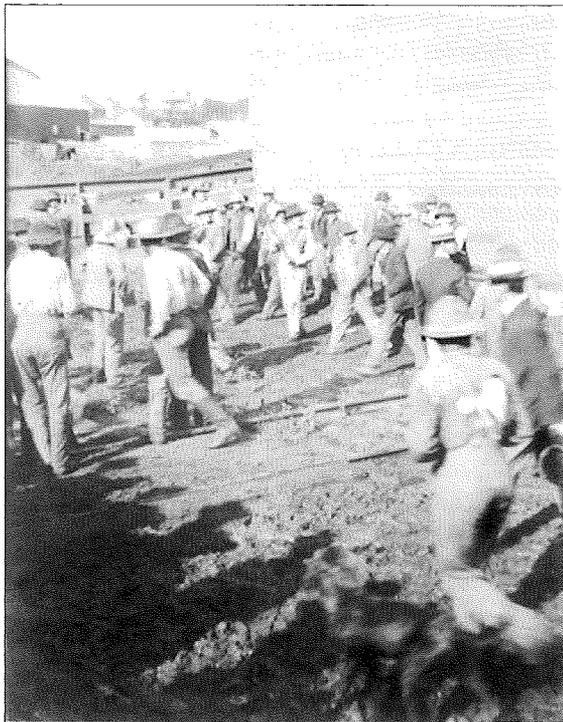
Of many newspapers that carried reports of lynching in Nebraska during the nineteenth century, the *Omaha Herald* during George Miller’s editorship was one of the few that condemned it without offering mitigating circumstances. Of the 1878 lynching of Martin and Jackson in Nebraska City, the *Herald* wrote, “No crime, however atrocious, justifies other crimes against the laws to whose protection all men are entitled.” By 1891, several years after Miller had sold the *Herald* and it merged with the *World* to form the *World-Herald*, the editorial stance had changed. What bothered the *World-Herald* about the lynching of George Smith was not the act, per se. “We have no pity for the lascivious wretch whose savage taking off was richly deserved Our only regret is that there are crimes so monstrous that law abiding citizens are impelled to break the bonds of civil law and return to the savage methods of primitive justice.”⁴⁶

By the beginning of the twentieth century lynching was on the wane everywhere except

The grave of Walter and Eva Copple in the Bancroft Cemetery. Photo by author



A photographer captured the Bancroft mob and Loris Higgins's body dangling from the bridge over nearby Logan Creek after the mob had done its work. NSHS RG3334-1-51; RG3334-1-50



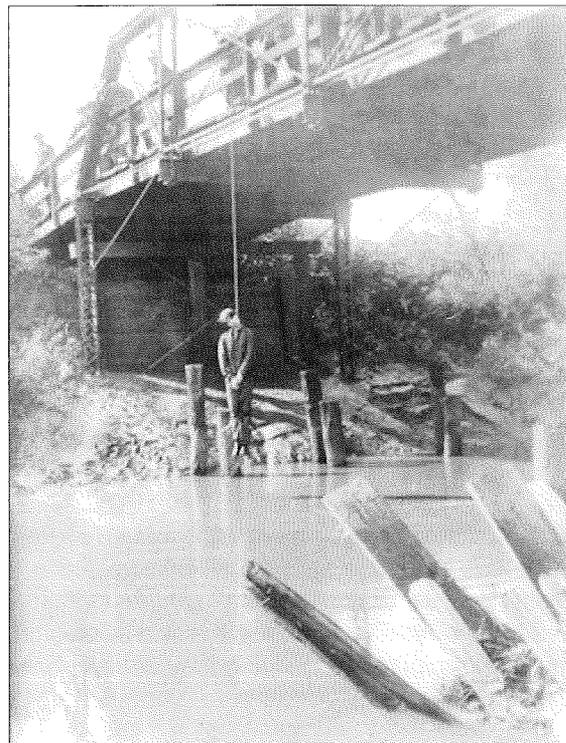
in the South. Anti-lynching groups, such as the NAACP, had been working steadily to increase public awareness of lynching's horrors.⁴⁷ The United States was becoming an industrialized and prosperous nation with a rising middle class that favored judicial reform. Communities that wanted to be seen as progressive and modern to attract investment or new residents could ill afford the embarrassment of a lynching. As *Hebron Journal* editor Erasmus Correll put it after Eli Owens was lynched there in 1886, "Sensational dispatches will tell the world that a lynching has taken place in Thayer County and the effect will be far from complimentary." After Schuyler in 1889 experienced its second lynching in three years, the citizens recognized the town's reputation risked irreparable harm and held a "mass indignation meeting" to condemn the lynching. They petitioned Nebraska Governor John Thayer to offer a reward for the perpetrators though there is no evidence that anyone was ever punished for the crime.⁴⁸

By 1900 most states in the West and Midwest had reformed and expanded their criminal justice systems and centralized application of the death penalty out of public view, while at the same time the frequency of legal executions often accelerated. Michael Pfeifer sees these developments as "a compromise between proponents of rough justice and middle-class advocates of due process." As many as fifty-eight persons were lynched in Nebraska between 1858 and 1919, while twenty-four

individuals were executed according to law. Since 1919 no one has been lynched and fifteen individuals have been legally executed, the last in 1997.⁴⁹

Of the three Nebraska lynchings perpetrated after 1900, two were racially motivated and the third was sparked by a crime perceived as particularly despicable. In the middle of the night on May 13, 1907, farmhand Loris Higgins murdered his employers, Walter and Eva Copple, on their farm near Rosalie in Thurston County, leaving behind the couple's seven children, the oldest a fourteen-year-old girl. The children discovered their parents' bodies sprawled in the farmyard the next morning. Higgins was soon arrested and taken to jail in Omaha to await trial, set for late August 1907 in the county seat of Pender. The farmhand confessed to the crime, claiming no motive except that he had been drunk at the time. Reports also circulated that Higgins may have raped the Copples' daughter.⁵⁰

When the train from Omaha bearing Higgins and the county sheriff pulled into the station at Bancroft on the morning of August 26, en route to Pender for the trial, masked men emerged from behind buildings, disconnected the locomotive, overpowered the officers, and seized Higgins. Keeping onlookers back, they hustled him into a wagon, drove him to the bridge over Logan Creek a mile and a half north of town, fixed a rope around his neck, and pushed him over the railing. Clearly plans had been carefully made, and



Lynchings in Nebraska, 1858-1919

1850s

1858 – _____ Leavitt, Richardson County, horse theft - hanged

1859 (January) – Harvey Braden and John Daly, Omaha vicinity, horse theft - hanged

1860s

1861 (March) – James F. Bouve, Omaha, robbery/assault on a woman - hanged

1864 (November) – Isaac Riley, Isaac Clifton, and _____ Cotheran, Pawnee County, alleged Jayhawkers - hanged

1866 (August) – Casper Dircks, Nebraska City, murder/cattle theft - hanged

1867 (January) – Robert Wilson, Columbus, murder - hanged

1870s

1870 (March) – Edward Besson, Edward Bales, and James Ward, North Platte, attempted murder/robbery – hanged/shot

1870 (July) – Mat Miller, Ponca, murder - hanged

1871 (May) – James Jameson, St. Helena, murder - hanged

1874 (January) – _____ Moore, Richardson County, horse theft - hanged

1875 (October) – Charles Patterson, Sidney, murder - hanged

1876 (June) – Thomas Hollowell, Plum Creek, murder of deputy sheriff - hanged

1876 (July) – William “Hank” Dodge, Nebraska City, murder - shot

1878 (December) – Henry Martin and Henry Jackson (AA), Nebraska City, murder/robbery - hanged

1878 (December) – Luther Mitchell and Ami Ketchum, Custer County, cattlemen/homesteader conflict - shot/hanged

1879 (May) – James Smith and Fred Ferguson, Furnas County, horse theft/jail break/assault - hanged

1879 (May) – Charles Reed, Sidney, murder - hanged

1880s

1881 (April) – Watson McDonald, Sidney, attempted murder/jail break - hanged

1883 (April) – Fred Ingram and James Green, Hastings, murder/robbery - hanged

1883 (November) – Kit Murphy, Keya Paha County, horse theft - hanged

1883 (November) – John Wade, Brown County, horse theft - shot

1884 (February) – Albert “Kid” Wade, Bassett vicinity, horse theft - hanged

1884 (August) – Luciano Padillo (M), Crete vicinity, rape - hanged

1884 (October) – John Farberger, St. Helena, murder of deputy sheriff - hanged

1884 (December) – Jonas Nelson, Frontier County, murder - hanged

1885 (March) – Elizabeth Taylor and Tom Jones, Clay County, barn burning/accessory to murder - hanged

1886 (January) – Wenzl LaPour, Schuyler, murder of sheriff - hanged

1886 (June) – Eli Owens, Hebron, rape - hanged

1887 (April) – Joe Arnold, Custer County, cattle theft - shot

1887 (July) – Lee Shallenberger, Nebraska City, murder - hanged

1887 (July) – J. A. Kuhn, Nelson, murder - hanged

1887 (August) – Jerry White (AA), Valentine, assault on a woman - hanged

1888 (July) – Fremont Emmons, Pawnee City, murder - hanged

1888 (August) – William Cole, Guide Rock, attempted murder - hanged

1889 (February) – George Hagerman, Schuyler, barn burning - hanged

1889 (June) – James “Nick” Foley, Antelope County, murder - hanged

1889 (May) – John Newell, Keya Paha County, cattle theft - shot

1889 (July) – A. J. Maupin, Boyd County, cattle theft - shot

1890s

1890 (March) – A. J. Stratton, Hamilton County, murder - hanged

1890 (August) – Charles Pratt, Blair, murder - hanged

1891 (October) – George Smith, aka Joe Coe (AA), Omaha, rape - beaten, hanged

1894 (June) – Ralph and Charles Hills, Holt County, cattle theft, - hanged?

1894 (December) – Barrett Scott, O’Neill vicinity, embezzlement – hanged

1897 (April) – Frank Cole, Holt County, theft - shot

1900s

1907 (August) – Loris Higgins, Bancroft, murder - hanged

1915 (February) – Juan Gonzalez (M), Scribner vicinity, murder of Omaha policeman - shot

1919 (September) – Will Brown (AA), Omaha, rape - beaten, hanged

AA – African American

NA – Native American

M – Mexican

Author’s Note: References to the alleged crime for which the person was lynched, the location, and the method of his/her demise are based largely upon contemporary newspaper accounts. Several of the lynching episodes have not been confirmed in primary sources

Legal Executions in Nebraska, 1863-1997

AA – African American
NA – Native American

Author's Note: Executions were carried out in the county where the crime was committed until 1901, when the legislature enacted a law providing that executions be performed at the state penitentiary in Lincoln. Execution was by hanging, both in the counties and at the penitentiary, through 1913. In that year the legislature adopted electrocution as Nebraska's method of execution.

1860s

1863 (August 28) – Cyrus Tator, Omaha, Douglas County

1868 (February 14) – Ottoway Baker, Omaha, Douglas County

1870s

1879 (May 20) – Orlando Casler, Seward, Seward County

1879 (April 26) – Stephen D. Richards, Minden, Kearney County

1880s

1885 (July 24) – Milton W. Smith, Osceola, Polk County

1886 (May 21) – James Reynolds, Sidney, Cheyenne County

1887 (March 25) – William Jackson Marion, Beatrice, Gage County

1887 (July 22) – David Hoffman, Nebraska City, Otoe County

1890s

1891 (May 21) – Albert Haunstine, Broken Bow, Custer County

1891 (July 15) – Charles Shepard and Christian Furst, Fremont, Dodge County

1891 (October 9) – Edward Neal, Omaha, Douglas County

1892 (June 24) – Clinton Dixon, Omaha, Douglas County

1895 (March 1) – Harry Hill, Plattsmouth, Cass County

1896 (August 7) – Claude Hoover, Omaha, Douglas County

1897 (October 8) – George Morgan, Omaha, Douglas County

1900s

[In the state penitentiary, by hanging]

1903 (March 13) – Gottlieb Neigenfind⁵⁴

1903 (July 10) – William Rhea

1907 (December 13) – Harrison Clark

1908 (January 17) – Frank Barker

1909 (March 5) – R. Meade Shumway

1910s

1910 (October 28) – Bert Taylor

1911 (May 19) – Thomas Johnson (AA)

1913 (March 21) – Albert Prince (AA)

1920s

[In the state penitentiary, by electrocution]

1920 (December 20) – A. B. Cole

1920 (December 20) – Allen V. Grammer

1922 (June 9) – James B. King (AA)

1925 (August 11) – Walter Ray Simmons

1927 (April 29) – Henry Bartlett

1927 (June 24) – Frank Carter

1928 (October 19) – Frank Sharp

1929 (May 31) – Henry Sherman

1940s

1945 (March 23) – Joseph T. MacAvoy

1948 (December 1) – Timothy Iron Bear (NA)

1950s

1952 (April 30) – Roland Dean Sundahl

1959 (June 25) – Charles Starkweather

1990s

1994 (September 2) – Harold LaMont Otey (AA)

1996 (July 17) – John Joubert

1997 (December 2) – Robert Williams (AA)

a photographer was on hand to take snapshots of the mob and then of Higgins's dangling corpse. The Pender newspaper noted that "the Bancroft mob saved the county several thousand dollars. However, the county was willing to stand the expense." It also reported that "while people both here and in Bancroft deplore the affair, fully 90 percent of the people thought Higgins deserved what he got." The paper also claimed that Higgins's lynching may have been motivated by the Nebraska Supreme Court's recent overturning of a death sentence and stays of execution it had granted to two other persons. Also mentioned was that "Mickey pardoned 17, Savage 7," referring to the current and previous governors of Nebraska. As had often been the case, the newspaper sought somehow to explain and excuse what had happened, particularly at this relatively late period in Judge Lynch's reign.⁵¹

While the Pender and other area papers followed the well-established formula in their efforts to excuse the Higgins lynching, particularly on grounds that the law was ineffective in punishing crime, the argument had worn thin for other journalists. If the law was ineffective, lynching was not the answer, argued the *Nebraska State Journal*: "We cannot honor the law in one respect by breaking it in another." The paper further observed that the law had also been ineffective in punishing those guilty of the crime of lynching. Why then, should not the opponents of summary justice "descend on the known lynchers, string them to the telegraph poles of Cuming County, and loudly defend what they do on the ground that the regular processes of law have broken down when it came to the duty of punishing lynchers. . . . What is the difference between one set of citizens taking into its own hands the punishment of the murderer of the Copples and another taking the law in its own hands to punish the murderers of the murderer of the Copples?"⁵² After Will Brown was lynched in Omaha in 1919, *World-Herald* editor Harvey Newbranch also took a strong stance against "primitive justice." Respect for and obedience to the law on the part of members of society was the only barrier "which divides civilization from the primal jungle." His editorial entitled "Law and the Jungle," published two days after the lynching, earned the Pulitzer Prize.⁵³

The history of lynching in Nebraska reveals that it was not limited to isolated "frontier" communities lacking formal judicial institutions. Nor can it be argued that lynching was used only to rectify the law's shortcomings. Several of its victims had already been tried, convicted, and sentenced, while for most others lynching eliminated any opportunity for the law to determine either their guilt or an appropriate punishment. Although most Nebraskans who participated in a lynching undoubtedly considered themselves as law-abiding citizens, acting only to insure that justice was done and public safety was preserved, they were themselves committing murder. In some cases the lynch mob was guilty of a level of depravity equal to or greater than that which it claimed to be punishing. While both participants in and observers of lynching in Nebraska during the years from 1858 to 1919 offered many rationales to justify its application, none can be sustained. Under the guise of insuring that justice was done, lynch mobs forever foreclosed any opportunity for it to prevail. ☒

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HIGGINS LYNCHED
Taken from Train at Bancroft and Hanged to a Bridge.
SENTIMENT WITH MOB
The Affair Was Perfectly Planned and There was not a "Hitch" in the Entire Program.
MURDERER DIES GAME--SORRY FOR ACT

Loris Ray Higgins, the murderer of Mr. and Mrs. Walter F. ["Bud"] Capple at their home near Rosalie, last May, was forcibly taken from Sheriff Young last Monday morning as the north bound Omaha train arrived at Bancroft, by a masked mob and hanged to the bridge across the Logan one and one-half miles north of Bancroft. To complete the job, members of the lynching party fired at the swinging body, five or the shots striking it. The mob dispersed. Higgins' remains were shipped to his mother at Denver.

When the northbound train pulled into Bancroft Monday morning, among its passengers were Sheriff Young, Deputy Nowell and L. R. Higgins, the murderer of Mr. and Mrs. W. F. Capple of Dawes precinct. The officers were bringing the self-confessed criminal from the Omaha jail to Pender, where he was scheduled to appear before Judge Graves in the district court for trial that day. The officers had no doubt but what they could turn over their pris-

In the meantime members of the mob armed with clubs, revolvers and rifles, kept the crowd back--this was not difficult, however. A dray standing near the depot was forcibly appropriated and the driver ordered to get off. He promptly complied. The dray was driven over to where Higgins was praying. He was told to jump in, which he did. Another dray was taken and as the train pulled out the murderer and his executioners commenced moving north over the

Pender Times, August 30, 1907

NOTES

¹ *Omaha Daily Herald*, Nov. 2, 1875; *Omaha Daily Bee*, Oct. 30, 1875; *Sidney Plaindealer*, May 9, 1879; *North Platte Telegraph*, Apr. 4, 1881; *Omaha Daily Herald*, Apr. 5, 1881.

² *Platte Valley Independent* (North Platte), Mar. 19, 1870.

³ Rolf Johnson, *Happy as a Big Sunflower: Adventures in the West, 1876-1880*, ed. Richard E. Jensen (Lincoln: University of Nebraska Press, 2000), 158.

⁴ *North Platte Telegraph*, Apr. 4, 1881.

⁵ Manfred Berg, *Popular Justice: A History of Lynching in America* (Chicago: Ivan Dee, 2011); Stephen J. Leonard, *Lynching in Colorado, 1859-1919* (Boulder: University Press of Colorado, 2002); Michael J. Pfeifer, *Rough Justice: Lynching and American Society, 1874-1947* (Urbana: University of Illinois Press, 2004); Ken Gonzalez-Day, *Lynching in the West, 1850-1935* (Durham: Duke University Press, 2006).

⁶ The most recent look at Omaha's 1919 riot and lynching is Orville D. Menard, "Lest We Forget: The Lynching of Will Brown, Omaha's 1919 Race Riot," *Nebraska History* 91 (Fall/Winter 2010): 152-65.

⁷ Pfeifer, *Rough Justice*, 2-3.

⁸ Harry Chrisman, *The Ladder of Rivers: The Story of I. P. (Print) Olive*, 2d ed. (Denver: Sage Books, 1962); Jean Williams, *The Lynching of Elizabeth Taylor* (Santa Fe: The Press of the Territorian, [1966?]). The lynching of women was more frequent than one might suppose, though estimates vary. Leonard, *Lynching in Colorado*, 74, gives a total of about sixty in the United States as a whole between 1882 and 1902. Berg in *Popular Justice*, 109 and 140, estimates that 75 to 130 black women from the 1880s to the 1930s and 26 white women from 1880 to 1930 were victims of lynching. See Stephen J. Leonard, "Avenging Mary Rose: The Lynchings of Margaret and Michael Cuddigan in Ouray, Colorado, 1884," *Colorado Heritage* (Summer 1999): 34-47, for the story of the only woman to be lynched in that state. The single female lynching victim in California was a Mexican woman named Josepha in 1851. Gonzalez-Day, *Lynching in the West*, 185-87. Ellen "Cattle Kate" Watson was lynched in Wyoming in 1889. Berg, *Popular Justice*, 66.

⁹ *Omaha Times*, Jan. 6 and 13, 1859; Alfred Sorensen, *Early History of Omaha* (Omaha: The Daily Bee, 1876), 120-25; A. T. Andreas, prop., *History of Nebraska* (Chicago: Western Historical Co., 1882), 1249.

¹⁰ *Nebraska City News*, Aug. 18, 1866.

¹¹ Andreas, *History of Nebraska*, 1265-66.

¹² William Huse, *History of Dixon County, Nebraska* (Ponca, 1896), 70-71.

¹³ *Omaha Daily Herald*, May 6 and 16, 1871.

¹⁴ *Ibid.*, Oct. 29, 1884.

¹⁵ *Plum Creek Pioneer*, extract in *Lincoln Daily State Journal*, June 27, 1876.

¹⁶ *Schuyler Sun*, Jan. 14, 1886. Schuyler had a second lynching on Feb. 5, 1889, that of George Hagerman who was in jail for burning a barn in which some one hundred horses perished, an apparent effort by Hagerman to disguise his theft of several other horses. Lincoln, *Nebraska State Journal*, Feb. 6 and 7, 1889.

¹⁷ *Blair Courier*, Aug. 23, 1890.

¹⁸ Sorensen, *Early History of Omaha*, 121; Menard, "Lest We Forget," 162; Chrisman, *The Ladder of Rivers*, 294-303.

¹⁹ E. S. Sutton, "The Trial and Death of William H. (Hank) Dodge, 1875-1876," *Nebraska History* 63 (Fall 1982): 412-37.

²⁰ *Ibid.*, 422-28. For another example of lynching by shooting, see Michael De La Garza, "The Lynching of Juan Gonzalez," *Nebraska History* 85 (Spring 2004): 24-37.

²¹ Until the state constitution was amended in 1920, the governor had sole authority to grant pardons, commutations, or reprieves. Clerk of the Legislature, *Nebraska Blue Book* (Lincoln: 2008-09), 739. While the author has not compiled data on the number of reprieves, commutations, and pardons Nebraska governors issued during this period, some were certainly granted. For example, Governor Silas Holcomb, who served from 1895 to 1899, commuted at least three death sentences. Two of them were on grounds that the convicted men were insane. *Nebraska State Journal*, Mar. 3, 1896. My colleague Patricia Gaster found that Holcomb's successor, Governor William A. Poynter, pardoned convicted murderer John B. Kearns in 1899 on grounds that Kearns was dying of tuberculosis. Kearns was later discovered living in Canada and in apparent good health. Whether or not these individuals were deserving of clemency, the governor was performing his constitutionally provided duty. Accordingly, the argument that such acts of clemency represented a failure of the law and therefore justified lynching cannot be sustained.

²² *Nelson Gazette*, July 21, 1887.

²³ The law requiring executions to be performed in private at the state penitentiary is found in *Laws of Nebraska*, 1901 (Lincoln: State Journal Co., 1901), 506. For public executions in the counties, see Johnson, *Happy as a Big Sunflower*, 138-42 (Stephen D. Richards at Minden, 1879); Steven J. Ramold, "Altogether a Horrible Spectacle: Public Executions in Nebraska, 1891," *Nebraska History* 86 (Summer/Fall 2005): 62-77 (Albert Haunstine at Broken Bow, Edward Neal at Omaha, Charles Shepard and Christian Furst at Fremont); and *Omaha Daily Bee*, July 25, 1885 (Milton Smith at Osceola). At the Richards, Haunstine, and Smith executions, the crowds tore down the privacy enclosures placed around the gallows. Shepard and Furst were executed inside the Dodge County jail, which had a peaked roof. The stockade around Neal's gallows in Omaha was protected successfully by state militiamen.

²⁴ The first state constitution provided for three Supreme Court Justices. The only way to increase the number of justices to cope with an increasing workload was by amending the constitution. Such an amendment, increasing the number of justices to seven, was finally adopted in 1908. Addison E. Sheldon, ed., *Nebraska Constitutions of 1866, 1871, and 1875* (Lincoln: Nebraska Legislative Reference Bureau/Nebraska State Historical Society, 1920), 92.

²⁵ *Nebraska City News*, July 29, 1887.

²⁶ *Ibid.*, July 22 and 29, 1887.

²⁷ For Neal's execution, see Ramold, "Horrible Spectacle."

²⁸ *Omaha World-Herald*, Oct. 5, 1891; *Omaha Daily Bee*, Oct. 10, 1891; James S. Savage, *History of Omaha and South Omaha* (New York: Munsell and Co., 1894), 138.

²⁹ Boyd had been elected governor in 1890, but at the time of the riot he was waiting for the U.S. Supreme Court to rule on his appeal of the Nebraska Supreme Court's decision that he was ineligible as not being a U.S. citizen. In the meantime former governor John M. Thayer reoccupied the governor's office. See Boyd's biography in John G. W. Lewis, ed., *Messages and Proclamations of the Governors of Nebraska* (Lincoln: Nebraska State Historical Society, 1941), 2:133-34.

³⁰ *Omaha Daily Bee*, Oct. 10, 1891. Omaha narrowly avoided another racially based lynching in 1906 after three black men were arrested for the murder of a streetcar conductor during an attempted robbery. Although a mob gathered at the jail and tried to break in, the sheriff had moved his prisoners to another location. He invited representatives to inspect the jail and when the prisoners were not found

therein, the crowd dispersed. *Omaha Daily Bee*, Mar. 16 and 17, 1906.

³¹ Gonzalez-Day focuses on Latino lynching victims, which he argues have been ignored or underreported in previous accounts of lynching in California. For Wyoming, see Todd Guenther, "The List of Good Negroes: African American Lynchings in the Equality State," *Annals of Wyoming* 81 (Spring 2009): 2-33, and for North Dakota, Frank Vyzralek, "Murder in Masquerade: A Commentary on Lynching and Mob Violence in North Dakota's Past, 1882-1931," *North Dakota History* 57 (Winter 1990): 20-29. In Wyoming 15 percent of the individuals lynched between 1889 and 1919 were black, while African Americans represented only about one percent of the population, as in Nebraska. Between 1904 and 1920 all Wyoming lynching victims were black. In Kansas, African Americans were also lynched at much higher ratios compared to their population than were whites. See Table 1, "Lynching Ratios in Kansas," in Christopher C. Lovett, "A Public Burning: Race, Sex, and the Lynching of Fred Alexander," *Kansas History* 33 (Summer 2010): 98. A broader review of lynching in Kansas, though interpretively flawed, is Genevieve Yost, "History of Lynching in Kansas," *Kansas Historical Quarterly* 2 (May 1933): 211-19. For example, Yost contends "[T]he Negroes form such a small percentage of the total lynched . . . that the race problem cannot be considered an especially important factor in the state" (199). Nebraska population data is found in Campbell Gibson and Kay Jung, "Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1790 to 1990, for the United States, Regions, Divisions, and States," Table 42, *Working Paper No. 56* (Population Division, U.S. Census Bureau: September 2002).

³² *Nebraska City News*, Dec. 7 and 14, 1878; *Nebraska City News-Press*, June 19, 1995.

³³ Valentine *Democratic Blade*, Aug. 25, 1887.

³⁴ *Omaha Republican*, quoted in *Nebraska City News*, Dec. 14, 1878; *Omaha Daily Bee*, Oct. 10-11, 1891.

³⁵ Berg, *Popular Justice*, 96-97.

³⁶ *Nebraska City News*, Dec. 14, 1878; Valentine *Democratic Blade*, Aug. 25, 1887; George O'Brien, Jr., quoted in *Omaha Daily Bee*, Oct. 10, 1891.

³⁷ See Berg, *Popular Justice*, Chap. 5, "Indescribable Barbarism"; Leonard, *Lynching in Colorado*, 123-24; Lovett, "A Public Burning"; and Menard, "Lest We Forget," 160, photographs.

³⁸ Pfeifer, *Rough Justice*, 39, 42; *Holt County Banner* (O'Neill), Feb. 12, 1884. Hutton's *Vigilante Days* (Chicago: Swallow Press, 1978) is the most reliable source on the supposed victims.

³⁹ Hutton, *Vigilante Days*, 189-219, reviews the story in detail.

⁴⁰ *Ibid.*, 253-64, 277.

⁴¹ Valentine *Democratic-Blade*, Aug. 25, 1887; *Blair Courier*, Aug. 23, 1890.

⁴² *Nelson Gazette*, July 21, 1887; *Pender Times*, Aug. 30, 1907.

⁴³ Gonzalez-Day, *Lynching in the West*, 91.

⁴⁴ *Hebron Journal*, June 17, 1886.

⁴⁵ *Nebraska City News*, July 29, 1887; *Schuyler Sun*, Jan. 14, 1886; Gonzalez-Day, *Lynching in the West*, 89. Nebraska newspapers were not the only ones to cite "orderly mobs" as somehow being praiseworthy. When Thomas Reynolds was lynched at Canon City, Colorado, on Jan. 26, 1900, the local paper noted, "It is more than probable that a more orderly mob never gathered anywhere in the country. No

violence to the guilty man, except hanging, was permitted." Quoted in Leonard, *Lynching in Colorado*, 93-94.

⁴⁶ *Omaha Herald*, quoted in *Nebraska City News*, Dec. 14, 1878; *Omaha World-Herald*, Oct. 12, 1891.

⁴⁷ For a review of the anti-lynching movement see Berg, *Popular Justice*, Chap. 7, "The Struggle against Lynching."

⁴⁸ *Hebron Journal*, June 17, 1886; *Nebraska State Journal*, Feb. 6 and 7, 1889.

⁴⁹ Pfeifer, *Rough Justice*, 122, 149; Berg, *Popular Justice*, 194. Lynching and execution totals are the author's data.

⁵⁰ *Pender Times*, May 17, 1907. One of the children of the murdered couple was ten-year-old Sumner, better known as S. E. Copple, the president of Lincoln's Commonwealth Savings Bank, which failed in the 1980s.

⁵¹ *Ibid.*, Aug. 30, 1907. In *Jay O'Hearn v. State* on appeal to the Nebraska Supreme Court, filed July 12, 1907, the court set aside O'Hearn's death sentence and ordered life in prison. *Nebraska Reports* 79: 513-25. At about the same time, the Lancaster County District Court stayed the execution of Frank Barker in order to hold a hearing on his alleged insanity, a decision the Supreme Court upheld. *Ibid.*, 473-85. Barker was subsequently executed on Jan. 17, 1908.

⁵² *Nebraska State Journal*, Aug. 30, 1907.

⁵³ *Pender Times*, Sept. 27, 1907; *Omaha World-Herald*, Sept. 30, 1919.

⁵⁴ This execution, the first carried out at the state penitentiary after the law of 1901 took effect, evidently used the same gallows employed in five previous executions performed in the counties, according to the *Nebraska State Journal*, Mar. 14, 1903. The paper's story of Neigenfind's execution noted that the gallows had come from Omaha under the management of Omaha detective George B. Stryker and "it already had five victims." It was likely used for the Omaha executions of Edward Neal (1891); Clinton Dixon (1892); Claude Hoover (1896); and George Morgan (1897). The fifth man to die upon it must have been Harry Hill at Plattsmouth in 1895. Two other 1891 executions (Haunstine at Broken Bow, Shepard and Furst at Fremont) used different gallows. Custer County borrowed one from Hall County for Haunstine's execution. The Dodge County sheriff had a gallows constructed inside the courthouse, which had a peaked roof. Steven Ramold, "Altogether a Horrible Spectacle: Public Executions in Nebraska, 1891," *Nebraska History* 86 (Summer-Fall 2005): 67, 72.

