

# CINCINNATI RIOT

Stephen D. Strauss

Literary Club

September 15, 2014

The title “Cincinnati Riot” may bring to your mind the 2001 riot that erupted after unarmed African American teenager Timothy Thomas was shot and killed by a Cincinnati Police Officer. In the 2001 melee 737 people were arrested after rioters threw bricks at passing motorists and caused millions of dollars in damage to business and city property. After the riot Bill Cosby, Whoopi Goldberg, Smokey Robinson and other entertainers cancelled their scheduled Cincinnati performances in protest.

Those of you who are a bit older (“more experienced” I like to say) may think “Cincinnati Riot” refers to the 1967 violence that occurred after the disputed conviction of Postel Laskey, Jr., who was accused of being the Cincinnati Strangler, who raped and murdered six women. The 1967 riot resulted in one death, at least 63 persons injured, 404 arrests and millions of dollars of property damage. 700 National Guard troops were called in to restore order.

While the 2001 and 1967 disturbances were significant events, this paper focuses on a much bigger riot, one of the largest urban riots in U.S. history, a riot that caused 56 deaths, over 300 wounded, fires and destruction. And it all happened right here in Cincinnati.

What I’m talking about is the riot that occurred about 7 blocks from where we sit tonight:

## The Courthouse Riot of 1884

In 1884 Cincinnati had a population of about 260,000, a bit smaller than our current population, but growing. However, Cincinnati was not comprised of 260,000 happy souls. Then, as now, public safety was one of the major concerns of the populace. There was a rising crime rate. In January 1884, 23 persons accused of murder were in the Hamilton County Jail awaiting trial. Violent crime grew so common that the *Cincinnati Enquirer* described Cincinnati as “a college of murder.”

In the 1880's Cincinnati was considered a "wide open" town where crime was rampant. Corrupt Cincinnati and Hamilton County were under the joint political control of Democratic boss John K. McLean and Republican Tom C. Campbell, the most prominent defense criminal lawyer in the city. Politicians fraudulently controlled elections, manipulated judges and loaded juries with political hangers on.

A March 9, 1884 article in the *Cincinnati Enquirer* stated:

"Laxity of laws gives the Queen City of the West its crimson record. Prominence in art, science, and industry are nothing where murder is rampant and lives of citizens are unsafe, even in broad daylight."

These words were published just over two weeks before the events described herein.

The incident that sparked the civil unrest grew out of the horrific murder of William H. Kirk, a sand dealer and stable keeper on West Eighth Street in Cincinnati, on December 24, 1883. On that day, the day before Christmas, two of Kirk's employees, 18 year old German American William Berner and 19 year old Joseph Palmer, described in the newspapers of the day as a "light skinned mulatto", decided to rob and kill Kirk who was known to carry around large sums of money. Berner, wielding an iron blacksmith's hammer, struck Kirk's head with force and broke deeply into his skull. Kirk then received several blows from a club and a rope was tied around his neck and pulled tight enough to bulge the eyes.

Berner and Palmer emptied Kirk's pockets of \$285 (A lot of money in 1884 when the average *yearly wage* was \$394!). Kirk's money was then divided, Berner taking the larger share. They put Kirk's body in a rented wagon, covering it with hay, and drove the wagon to a ravine near Cumminsville and dumped the body into bushes near the Mill Creek. The killers intended that Kirk's body would be washed downstream and, eventually, into the Ohio River.

Afterwards, the young men borrowed a bucket and a broom to wash the blood stains out of the wagon which they returned to its owner at 8 PM. Then, Palmer walked to his home at 128 West Court Street while Berner went to the John Street residence of his girlfriend Tillie Bauman.

Then, on December 27 Kirk's corpse was discovered by a passerby who reported it

to the authorities,

Over the next few days Berner and Palmer flashed large amounts of cash in public and were arrested for the murder of Kirk. Both confessed to the crime.

In a *Columbus Dispatch* newspaper account Berner was described as “a vicious lad, hard to manage, and with the bad habits of so many over-the-Rhine boys who attend dances, picnics and concert halls.”

In an effort to literally save his son’s neck Berner’s father hired the aforementioned Tom C. Campbell as defense attorney. Campbell managed to have Berner and Palmer tried separately to avoid tainting Berner with the widespread racial prejudice of the time which would have been present if white Berner had been tried with black Palmer. Jury selection for Berner’s trial took quite some time as Campbell examined 568 potential jurors until the requisite 12 were chosen.

Berner’s trial began Tuesday, March 11, 1884. Fifteen days later on Wednesday, March 26, the jury found Berner guilty - - - of manslaughter, not murder! This despite the testimony of seven different witnesses to whom Berner had admitted that the killing was premeditated. A shocked public had anticipated a finding of first degree murder and a sentence of hanging.

Judge Samuel B. Matthews, sending Berner to the penitentiary for 20 years, the maximum sentence for manslaughter, called the verdict “a damned outrage.” Strong public words in 1884!

Fury over the jury’s totally unexpected manslaughter verdict spread throughout Cincinnati. A crowd chased juror Henry Bohne, tearing off his clothing and beating him. The *New York Times* on March 27 reported that juror James Bourne spent the previous night in a police station after being threatened by a mob. Nevertheless, he was beaten after he finally left the police station. Juror Charles Dollahan was pelted with rotten eggs and juror Louis Harmeyer was fired from his job when he went back to work. The blinds were ripped from the windows of a home of an L. Phillips on Liberty Street and rioters threw rotten eggs and dead cats into the house until it was discovered that the property belonged to a person named Phillips who did NOT serve on the Berner jury. A.F. Shaw, the jury foreman, went into hiding.

William Berner was burned in effigy in the then German over-the-Rhine section of Cincinnati and, also, in Newport, Kentucky.

Such was the mood of Cincinnatians after this shocking verdict.

The newspapers called for a citizen meeting to condemn the manslaughter verdict and on the evening of Friday, March 28, 1884 some 8-10,000 people gathered inside and outside the then 6-year-old Music Hall to protest. Although civic leaders who spoke at the meeting expressed sympathy for the crowd's outrage at the verdict, they preached calm, a message Cincinnati's citizens were in no mood to hear.

A cry erupted to march to the jail to lynch Berner and Palmer for the murder of Kirk. Ropes suitable for a lynching party were openly displayed. Hamilton County Sheriff Morton Hawkins and 13 deputies guarded the jail but the rioters broke in. Unbeknownst to the mob, Berner had been spirited out of town many hours before for his own safety. Also not known by the crowd, Berner had escaped his guards while being transported to Columbus.

Because of his light complexion, Palmer was able to save himself from being lynched by the mob by claiming to be white and directing the rioters to another part of the jail to find black Palmer.

The Sheriff and deputies guarding the jail were reinforced by some Cincinnati police and some troops from the Cincinnati armory of the Ohio National Guard. One of the rioters storming the jail was shot and killed by a Guardsman. In total four people were killed that evening and the mob attempted to set the jail on fire using kerosene but the building was constructed of stone. Meanwhile, the mob attacked the GAR Armory at Court and Walnut streets and took 150 Enfield rifles and a drum that was used to rally the crowd. They stormed the B. Kittredge & Co. gun store on Main Street and armed themselves with guns, revolvers, a brass cannon and three kegs of powder.

The Guard and Sheriff finally drove the rioters from the area and the violence subsided, *for the evening*.

The next day, Saturday, March 29, 1884, the morning *Enquirer* approvingly proclaimed:

“At last the people are aroused and take the law into their hands, enraged community rises in its might.”

Handbills were distributed throughout the city to “serve notice to criminals, criminal lawyers, gamblers, and prostitutes to leave Hamilton County within three days...or suffer the penalty.”

The Sheriff, understandably believed that more trouble was imminent, Saturday being payday and some of the rioters likely to be fueled with liquor. He called for reinforcements but only 117 National Guardsmen out of 525 in the Cincinnati area responded. Some of the Guardsmen even participated in the riot!

Sheriff Hawkins called upon Ohio Governor George Hoadly to send more National Guard troops to the Queen City but the Governor dawdled, concerned about the expense and afraid of alienating his political supporters in Southwest Ohio. By the time the Governor finally sent troops, it was too late to prevent many deaths and injuries and much destruction of property.

The rioters then moved to attack the Hamilton County Courthouse. They broke in and set the Treasurer’s office on fire. The blaze spread throughout the building. The mob blocked fire fighters’ efforts to extinguish what by then had become an inferno. William Desmond, an attorney and captain in the militia, was killed by gunshots as he tried to protect the Courthouse. A statue of Captain Desmond is now displayed in the lobby of the present courthouse.

Cincinnati Mayor, Thomas J. Stephens, denounced the violent mob as “members of ‘the dangerous classes’ among whom there was much socialist talk.”

Finally, at about 9:30 PM Saturday evening a National Guard force of some 300 men arrived by train from Dayton. The troops marched to within three blocks of the burning courthouse but, after encountering the riotous mob, retreated to the railroad station. The regiment’s commanding officer later appeared in front of a Board of Inquiry and was found guilty of incompetence and relieved of his command.

425 Ohio National Guard troops from Columbus arrived in Cincinnati about 11 P.M. armed with a Gatling gun, a rapid fire weapon that was the predecessor of the machine gun, and went to the Jail to provide relief for the Jail’s beleaguered defenders. It was too late to save the Courthouse because the fire destroyed the wooden building and a great quantity of important archives and records were incinerated. Sheriff Hawkins and the Guard were able to clear the area around the jail, constructing barricades in the streets. However, looting and violence continued throughout Cincinnati until about 3 A.M. The owner of one store and his

assistants shot 3 looters dead.

On Sunday, March 30, the *Enquirer*, which the day before had applauded the rioter's actions, lamented the "Fire and Fury, The Reign of Terror" and "Awful Scenes in Cincinnati."

However, the riot was not over. At about 8:30 P.M. Sunday the rioters shoved streetcars off of their tracks and there was additional looting and violence. Rioters commenced firing at troops and the troops responded with volleys from the Gatling gun, finally ending the riot.

As previously stated, 56 people died, over 300 were injured and there was an immense amount of property damage.

Strangely, in a previously scheduled election the next week, Cincinnati voters re-elected the nominees of the same corrupt political machine.

Berner, who had escaped, was recaptured on Saturday in woods near Loveland, playing cards. He was taken to the penitentiary in Columbus to serve his 20 year manslaughter term.

The other killer, Joseph Palmer, was tried and convicted of the murder of William H. Kirk. His conviction was overturned on a procedural issue. He was tried again and found guilty. The Judge ordered Palmer's execution on July 15, 1885. The Governor refused to grant clemency, stating that the only arguments that could be made in favor of Palmer were his youth and the fact that his partner in crime Berner received only a 20 year manslaughter sentence. The Governor found these unpersuasive and would not intervene.

Palmer, publically hung, was the last prisoner executed in Hamilton County as the Legislature enacted a law requiring all future executions to be performed at the Ohio Penitentiary in Columbus.

Now, in 2014, we see and hear news stories of botched executions. This is not a recent development. The *Columbus Dispatch*, reported that after he fell "Palmer was such a powerful young man that his neck was not broken. He writhed fearfully, and at the end of 26 minutes the Sheriff announced that the execution was over, but the body was not cut down until some time later."

Criminal defense attorney and political boss Tom C. Campbell's house was burned

and he faced disbarment proceedings during which Literary Club member and future President William Howard Taft served as a prosecutor. Campbell was not disbarred and moved to New York.

The 1884 Courthouse riot was, at the time, an earthshaking event. To give you a flavor of the reaction, at least in some quarters, I will quote a few sections of a speech titled *The Military and the Mob* delivered on May 7, 1884. The speaker was Mortimer D. Leggett, Retired Major General, Civil War veteran.

“In the case of a mob, the use of blank cartridges by the troops, or firing over heads, is unpardonable folly dictated by maudlin mercy that is no mercy at all. No mob was ever dispersed by blank cartridges. Any sham of the kind only maddens and encourages the rioters. It enables them to brace up their courage and prepare for genuine cartridges when they come.”

General Leggett also warned:

“In the case of a riot, every drinking place where wine or beer or any intoxicating drink could be found, should be absolutely closed..... A drunken man, frenzied by the excitement peculiar to a mob becomes a devil incarnate, and stops at no excess of crime.”

So what transformed these Cincinnatians in 1884 from a group of citizens protesting what they deemed a miscarriage of justice to a lynching party and, eventually, a riotous mob focused on burning, looting and battling the police, the sheriff and the National Guard? The identical question could be asked regarding the residents of Ferguson, Missouri, in 2014.

There is no definitive answer. There are probably many answers.

Numerous books and articles have been written by social scientists and psychiatrists (Even including Sigmund Freud) attempting to explain mob psychology and behavior.

Throughout human history there have been violent and destructive groups fueled by, among other things, religious zealotry, assassinations and revolutions. European soccer and American prison riots causing damage and injury are not uncommon.

The texts define a riot as violent group behavior. When a group becomes violent,

it is called a mob.

During riots, deindividuation or loss of self-awareness occurs. The external excitement provokes all sorts of behaviors a person would not typically engage in. Participants in riots often have a feeling of anonymity-a belief that their behavior can't be traced to them.

Semantics and generalizations aside, it appears that widespread intense disgust with the justice system and politics in Cincinnati set the stage for a riot to occur in Cincinnati. All it took was a spark to ignite the volatile situation. If it was not the verdict in the William Berner case, some other incident would likely have set off civil unrest.

Postscript:

My Grandfather Strauss was a seven year old boy in Cincinnati at the time of the riot. I wonder what did he see? What did he hear? I can only imagine.

The destruction of the records at the Hamilton County Courthouse continues to have unforeseen consequences even to this day, some 130 years later. For many years I served on the Board and then as President of a small nonprofit cemetery in Cincinnati. My parents, some grand and great grandparents and other assorted relatives are buried there. There was considerable confusion as to when the cemetery was incorporated or if it was actually incorporated. Some old papers and seals said 1855; others 1856. Our Board, concerned about insurance and liability issues, made an inquiry regarding this with the Ohio Secretary of State's office. We learned that while today corporate records for the entire state are stored in Columbus, in the 1800's these records were kept in the county courthouse where the corporation was situated. Thus, the incorporation records of our cemetery were destroyed in the 1884 Hamilton County Courthouse fire so the exact date of the cemetery's incorporation, or if it actually was incorporated at all, were lost in the ashes and embers of the blazing fire started by the Cincinnati rioters.