

## The Killing

It was autumn in Nashville in 1908. The city was small, crowded, noisy, and dirty. Cows and horses were kept right in town. Sometimes that livestock would break free from the stable lots behind their owners' homes, and wander onto streetcar tracks. Streetcars rumbled down Broad Street, running past buggies and wagons animal-drawn, and which rattled over narrow thoroughfares with flying hooves and whirring steel-shod wheels. On Saturday, people came from all over to hawk chickens, sausage, butter, eggs, and other products of the countryside. The courthouse was a central hub for the workings of commerce as well as

For those many farmers coming to Nashville to sell their wares, the visit to Nashville was also an opportunity to visit one of the 170 bars and saloons crowded within a few square blocks of the county courthouse. Fourth Avenue was a solid block of saloons and gambling houses. It was not unusual to see men staggering about on the streets. But their Saturday imbibing would be followed by the Sunday sermons, for Sunday drinking was strictly prohibited.

Poker, keno, craps and assorted games of chance were available in the saloons along Fourth Avenue. Men of property such as Colonel Cooper, when not engaged in these idle pastimes, dabbled in the political intelligence of the hour at places like the Tulane Hotel, the Maxwell House, and the Watauga Club, all within easy walking distance of the state capital.

Colonel Duncan Cooper was such a man of property. He gambled. He drank whiskey; he made money; he gave it away. Colonel Cooper had the suave manners and culture of a gentleman of the old school. He mingled freely on equal terms with the leading men of his time.

The Colonel had a son, Robin, a young lawyer who maintained offices near the courthouse.

In the first week of November, the smoke of forest fires from south of the city mingled with the coal fires warming the homes and town and fueling the steam trains that toiled to and from Union Station. Late afternoon lamps glimmered in the parlors on and around Capitol Hill. Governor Malcolm Patterson had recently moved in to the governor's official residence on Seventh Avenue between Union and

Cedar Street (now Charlotte Avenue). To the west of the governor's residence was a slum known as Hell's Half Acre. Along Fifth, Sixth and Seventh Avenues were, however, imposing mansions in the empire style. The governor's neighbors included insurance broker Charles Eastman and his wife, Kate, who was the president of the board of the women's hospital. Living in the Eastman homes in rented rooms was Senator Edward Carmack, the editor of the *Tennessean*.

Regularly at about 4 o'clock, Carmack would finish his work in the *Tennessean's* offices at Eighth and Church. The *Tennessean* was a well-known anti-liquor newspaper, founded only the year before by lawyer Luke Lea, and Carmack was a champion of the anti-liquor, populist crusade.

Carmack's recent political misfortune—losing the nomination for governorship to Patterson—gave way to the power of the editorial pen. On October 21, Carmack penned an editorial to the attention of the honorable Dunc Cooper, Max Harlan, Solomon Cohn, and “all the other honorables” operating the Hullabaloo, a dance parlor in a slum known as Black Bottom, just south of Broad Street in Nashville.

Anticipating the coming struggle in the legislature over Prohibition, Carmack wrote an editorial for the Sunday paper, highlighting the involvement of Cooper and others, bringing together big business, liquor and corruption. He wrote, “All honor to that noble spirit, Major Duncan Brown Cooper, who wrought this happy union of congenial and confluxible spirits separated by evil fates and borne for each other.”

Cooper was not amused. He penned a note, intended to be delivered to Carmack, telling him, “You have no more rights to put those things in the newspaper than you do to my face, which so far you have not had the temerity to do.”

Now it was approaching the evening of November 8, and Colonel Cooper met with Edward Craig at the Tulane Hotel. Cooper was violent in his denunciations of Senator Carmack. He told Craig that if his name was to appear again in the *Tennessean*, either “he or Senator Carmack must die.” Craig tried to placate Carmack on this Sunday afternoon. All was in vain.

Now it was Monday, November 9. Cooper had drafted a note, but he did not deliver the note. He did, however, borrow a nickel-plated

hammerless Smith & Wesson pistol from an ordinance officer on his friend Governor Patterson's staff.

On the ninth, in the morning, Colonel Cooper opened the *Tennessean* at the Watauga Club and read the editorial, "The Diplomat of the Zweibund": "To Major Duncan Brown Cooper, who has wrought the great coalition; who achieved the harmonious confluence of incompatible elements; who wielded the pewter handle to the wooden spoon; who grafted the dead branch to the living tree and made it bloom and burgeon and bend with golden fruit; who made playmates of the lamb and the leopard and boon companions of the spider and the fly; who made soda and water to dwell placidly in the same bottle; and who taught oil and water how they might agree—to Major Duncan Brown Cooper, the great diplomat of the political Zweibund, be all honor and glory forever."

The reference to "golden fruit" infuriated Cooper. These words essentially accused him of corruption. Cooper set out for his son's office at Third and Church, where Robin Cooper practiced law with James C. Bradford.

Robin grew worried. He telephoned the home of his sister, Mrs. Lucius Burch, to express his concern. He went to the Maxwell House but did not find his father there.

Still worried, Robin Cooper returned to his law office and called his father's great friend, the governor. He searched up and down Church Street looking for the Colonel. He telephoned his uncle. His uncle brought him a gun.

Sarah Burch, concerned by Robin's message and worried about her father, also called Governor Patterson.

Colonel Cooper had left Robin's office to purchase a horse for his granddaughter. The Colonel brought the horse to the home of his daughter, Mrs. Burch. When she met her father in the hallway, she was hysterical. The Colonel, however, was resolute. "Did she want him to lay down his manhood?" he asked her when he saw her tears. "He will kill you, papa," she said. "He is as likely to get killed as I am," Cooper replied.

He took out the note had written the day before and changed it, writing: "I am a private citizen; I am neither an office holder nor an office seeker. I have violated no law, and consequently am not a

legitimate subject of public attack or discussion. For many months, on the stumps and through newspapers, you have seen fit to offensively use my name and vet your malignity. You have no right in this manner, to annoy, insult, or injure me than you would have to do so to my face. I notify you that the use of my name in your paper must cease.”

Governor Patterson had also joined the search for the Colonel after the two phone calls. Patterson met up with Cooper at the Maxwell House Hotel. He read Cooper’s note but urged the Colonel not to send it.

When the governor left, Robin walked with him as far as the Arcade. As they parted, Patterson told Robin some advice that would haunt him: “I would stay with my father as much as I could today.” Robin, however, had a case pending in Chancery Court.

The Cooper group met again at Bradford’s office at 3 o’clock. As the meeting was breaking up, the phone rang. It was Patterson calling Colonel Cooper. The governor asked Cooper to come to the governor’s residence in about 25 minutes. As the Colonel left to walk to the governor’s residence, Robin hurried after his father and insisted on

going with him. When they had gone a block, they turned north on Fourth Avenue.

Meanwhile, at the other end of Church, Carmack was leaving the *Tennessean* offices. He stopped at a drugstore and bought a cigar. He continued east and turned north at Seventh Avenue.

The Coopers passed a young man selling an afternoon newspaper. Robin paused at Stumbs Drugstore to drink a Coca Cola. Halfway down Fourth Avenue, the Coopers crossed the street and turned into the Arcade. At the post office in the Arcade, John Sharp joined them and the Colonel invited Sharp to walk with them toward the official residence since Sharp lived right next door. Emerging at Fifth, the trio turned right. At Union, they turned west and climbed the gentle hill.

Workers were laying the foundation for the new Hermitage Hotel at the corner of Sixth and Union. Sharp and the Coopers stopped to watch the workers. Colonel Cooper lingered, and Robin and Sharp moved on. At the top of the hill, Robin and Sharp waited for the Colonel. As they waited, Robin looked about and saw the sight that he most dreaded. Carmack was walking up the other side of Seventh

Avenue toward Union. To Sharp, Robin said, "Don't let papa see him." Robin turned and called out to his father to hurry. The Colonel reached the corner.

Robin seized his father's left elbow and turned him to the right, stepping into Union Street. The Colonel knew he was being rushed, and then he turned and saw why. "Is that Carmack?" he asked. Without waiting for a reply, he broke away from Robin's hold. Walking down Seventh in Carmack's direction was Mrs. Eastman. Carmack was about to pass between the pair and the street. He raised his right hand to tip his hat. "How do you do, Mrs. Eastman?" he asked.

Then, from behind her, Duncan Cooper called out to Carmack. Cooper's right hand arm was outstretched. His forefinger pointed to the editor. Eastman recalled that over Carmack's face there passed a look of "surprised inquiry." Carmack's right hand fell from the brim of his hat. He raised his overcoat and reached to his pocket, holding his gun. His left hand followed as he grappled for the weapon. In the same instant, he stepped left to put Mrs. Eastman between he and Cooper.

"Damn cowardly to get behind a woman with a pistol in your hand." Cooper boomed.

As Colonel Cooper shouted and Mrs. Eastman jumped, Carmack turned to his right into the street. He flung himself behind two utility poles. He raised his gun and pointed it to Colonel Cooper. Five shots rang out.

One bullet hit Robin Cooper's tie, breaking the jewel in his tie tack and entering his shoulder. A second bullet passed through the left sleeve of Robin Cooper's coat.

Another bullet tore through the fifth and sixth ribs on Carmack's left side, penetrated his heart and lodged under the skin on his right side. Another shot entered Carmack's left shoulder and then his heart. The third bullet struck him in the back of the neck and exited near the tongue, shattering his front teeth. Blood spread from his mouth, pooling around the last shell that lay on the pavement. A dead man lay in the gutter, his motionless left hand in the street, still holding the smoldering cigar.