

This article was written by Gayle Geber, Benedict G. Fischer's Granddaughter, October, 2011

Benedict G. Fischer, St. Paul Police Patrolman



Part I – Tina's Perspective

August 10, 1917 Thomas Avenue, just west of Hamline, St. Paul, Minnesota

Tina Fischer had a busy day, typical for a young mother. She made breakfast, lunch, and dinner for her family, washing the dishes after each meal, drying them, and putting them back on the middle shelf in the pantry. She had been trying for several days to entice Herb into eating some mashed-up carrots, and today he actually ate them. She thought he must be going through a growth spurt. When Florence and Herb were napping, Tina went into the basement and scrubbed a few of Herb's diapers on the scrubbing board with her home-made lye soap. Florence was talking more these past few months. She was as sweet as anything, but still it was tiring with a 2-year-old and an infant, especially those times she had to keep them reasonably quiet when Ben slept during the day when he was working the night shift with the St. Paul Police.



Tina Rohe Fischer



Benedict G. Fischer

Tina beat the living room rug that she had hung over the clothes pole in the back yard, and then Ben dragged it back inside before the mosquitoes got too bad later in the evening. Back in the living room, Ben lifted up the heavy, brown couch so Tina could scooch the rug part-way back underneath it. As the day was winding down, Ben played hide-and-seek with his daughter. Florence "hid" in plain view repeatedly, but Ben didn't tire of looking surprised every time he "found" her. It didn't take much to make Herb smile, so Ben could simply tickle his son and get a good laugh out of him.

Around 7:30 that night, Tina walked up the stairway with Florence, telling her to be sure to hold onto the wooden spindles supporting the hand rail. They stopped at the potty, and then Tina put Florence to bed after a short story. It was still light outside and Florence didn't want to go to bed. She jumped up when Tina pulled the shades half-way down in the back bedroom which overlooked the alley. Tina left both windows open to let some fresh air into the room. Finally, she tucked Florence into bed for the second time with an admonition to stay...in...bed. Just moments after Tina left the room and closed the door behind her, she heard Florence jump out of bed again. Smiling, she knew Florence was looking out the window, but Tina also knew her daughter would eventually crawl back into bed and cuddle with the little red lamb she had sewn for her.

Tina tip-toed three steps down the hallway and turned left into Herb's tiny room. Herb was sleeping in his crib, but she knew that wouldn't last long. It was a cool night – cool for Minnesota in summer, that is – so she covered up her sweet little boy with a light cotton blanket.



Just before 10 o'clock, Ben changed into his police uniform. As he left a few minutes later for the graveyard shift at the Rondo Station – the newer cops always got the late shifts – Tina kissed him good-bye. Ben then walked over to University Avenue to catch the east-bound streetcar to the station.

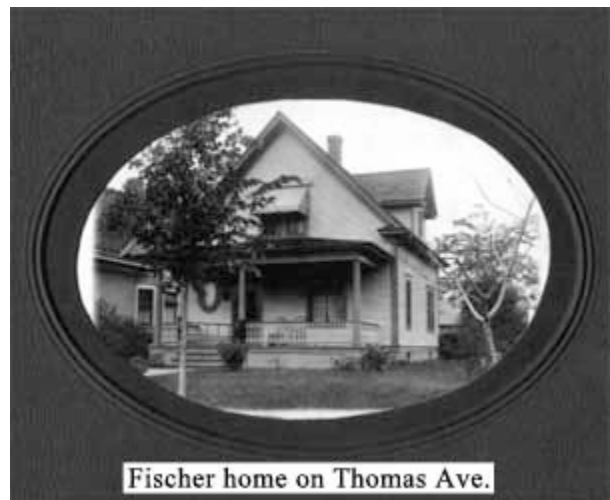
After Ben left for work, Tina had a few minutes for herself before she went to bed. Sitting on the couch in the living room, appreciating how clean the rug looked, she felt content. It was quiet. She

hadn't heard an automobile on the road in front of the house for quite some time.

Tina's thoughts drifted from her sister's upcoming wedding, to her wilted bleeding hearts in the backyard garden, to the latest gossip at St. Columba's church. Soon, though, thoughts of the war intruded on Tina's daydreaming, just like they eventually did with everybody's thoughts. It's all people talked about these days. The draft had been held several months ago. Tina was glad that Ben was too old to be drafted and fight in a war so far from home.

Ben would get off work tomorrow morning at 7 o'clock and Tina wanted to get a good night's sleep before he got home, so she walked up the familiar stairs once again. She slipped into her night gown, brushed her hair, said her prayers, and dropped off to sleep in their bed. Around 1:30, Tina heard Herb rustling in his crib. With his bedroom so near, she could hear every sound he made. After a quick diaper change and a not-too-quick feeding, Tina laid Herb back in his crib.

She had been back in bed for just a few minutes but had already drifted off to sleep. In the corner of her dreaming mind she hears an automobile drive up Thomas Avenue and stop right in front of her house. She hears the auto's door squeak open and quickly slam shut.



For a split second she thinks this is odd for so late at night. But a cop's wife at some level of consciousness is always alert for something to go wrong. Always alert for what she doesn't want to hear, what she doesn't want to know. The increasingly gripping fear that fully rouses her from sleep makes her sit up in bed, pull aside the curtains, and look outside, all the while hoping that what she fears is not actually happening. There is just a sliver of a moon in the sky and Tina can barely make out what she doesn't want to see. She glimpses a police officer – she recognizes the man who doesn't belong here so late at night – walking quickly up the sidewalk to her front porch, and then she hears his heavy boots scraping against the porch floor.

The always-modest Tina doesn't stop to throw a shawl over her shoulders or tie her hair back. She runs barefoot down the stairs as she hears the officer knocking on the sturdy wooden door. Tina can barely see the outline of her husband's friend through the thin curtain that covers the tall oval window set in the front door. Without hesitation she throws open the front door and stands there, facing him. "Tina," he says. "I'm sorry, but I have some bad news for you. Ben's been shot."

"Ben? My Ben? Shot?" Tina's mind rushes to an image of her 6' 3" husband with a solid, muscular frame, big hands, and an amiable disposition. The man who grew up working hard on the farm. The man who was with her when their first child died. The man she could rely on for everything. How could he be shot?

As the officer gently puts his arm around Tina to steady her, he continues, "I'm so sorry, Tina. He's been shot bad, shot in his neck. We brought him to City Hospital. He's unconscious." He paused only a moment. "Tina, can I take you there now?"

"Ben? My Ben? How can this happen to Ben?"

Part II – Patrolman Benedict G. Fischer's Background

1881 to 1917

From Waconia to St. Paul, Minnesota



Ben (left) with parents and siblings

Tina was right. Benedict George Fischer grew up on a farm, as did his parents and his Bavarian grandparents, great-grandparents, and great-great-grandparents before him. Ben was born in Waconia, Minnesota on November 1, 1881, the third of four children. The family's log house was located on 126 acres with a little stream winding through the south side of the farm. Ben walked a mile and a half to St. Joseph's Catholic school in Waconia, and finished sixth grade there.

As a young man, he realized that his future was not on the farm because his older brother was first in line to claim it. Ben hired out to work on neighboring farms when he wasn't needed on the family farm so he could establish his own income. He moved to St. Paul in 1908 and started his career on the St. Paul Police Force early that year. Ben must have known that five officers had already died since the turn of the century but, nonetheless, serving on the force was a dream job for him.

Ben was initially stationed at Central Station in downtown St. Paul, but by 1912 he had moved to Rondo Station. He rented at least three places to live during this time – the frugal German-American was probably trying to find the best value for his money – although all three were within walking distance of the station. In 1911 Ben married Tina Rohe, a beautiful and bright young woman from Shakopee. In their earliest years together they lived in several places, both residences just a half mile from the Rondo station.



In the autumn of 1915 Ben, Tina, and their daughter, Florence, moved to Thomas Avenue in St. Paul's Midway neighborhood. It was a good home and soon, in 1917, their son, Herbert, was born in that home. Around this time a fellow officer said, "Fischer, why did you move all the way out in the boonies?" Still, it was perfect for them. Ben now lived just under three miles from the Rondo station, but the University streetcar line was just a few blocks away. Ben knew the University Avenue line well.

Part III – The Plot

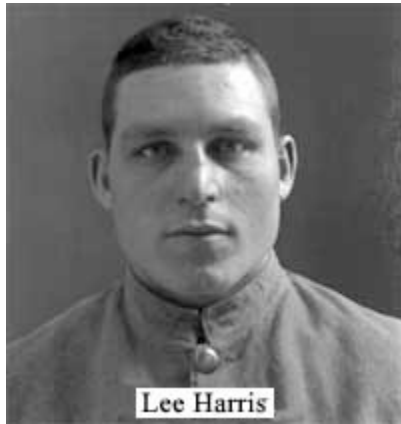
Early August, 1917 Fort Dodge, Iowa



Lee Harris and Henry Heinbaugh were renewing their old friendship in Fort Dodge, Iowa, a city of about 17,000 souls including Harris's mother and brother. Heinbaugh had also brought Robert Cecil Warren – "R.C." to his friends – into their conversation. These two men had met in Emmetsberg, Iowa. Heinbaugh was working there as a barber, a trade he learned from his father, and Warren was working there as a painter, a trade he, too, learned from his father.

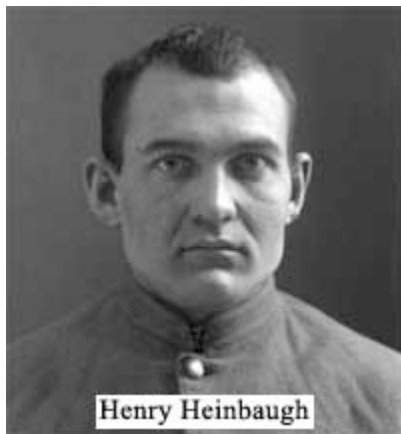
These young men had much in common. All were born to working class parents in some of Iowa's countless small, rural towns. Heinbaugh's mother died when he was three years of age. Harris's parents were separated. Warren's father had left the family, his whereabouts unknown. They were all about the same age: Harris may have been younger by a year or two, the other two were 22. They were a bit farther apart in height – Heinbaugh was 5' 4" and the other two topped out at 5' 8". All of

these men had completed grade school but went no farther in pursuing an education, yet none seemed particularly unintelligent.



A casual observer meeting them in a public setting might not notice anything unusual about them. People who weren't acquainted with them wouldn't necessarily guess the dealings they harbored in their pasts. All had their first run-ins with the law when they were 15 or 16 years old. Harris was acquitted of a larceny charge in Omaha, Nebraska when he was 16. He was also arrested there another time, held in jail for six days, and then released. Heinbaugh was first arrested in Council Bluffs, Iowa at age 15, but was released. Warren served 1½ years in the State Industrial School in Eldora, Iowa for having stolen property in his possession, and was released in 1912.

For Harris and Heinbaugh, criminal behavior did not end with those juvenile arrests. Harris was on parole from the state prison in Anamosa, Iowa where he served 4½ years for burglary. He was paroled on May 4, 1917. His buddy, Heinbaugh, was on parole from that same prison where he had served an indeterminate sentence for breaking and entering. Received into Anamosa prison on April 15, 1914, Heinbaugh was paroled a short seven weeks after Harris.



All three wanted to hide their identities. They had a lot to hide. Warren went by the alias Joseph Jackson. Harris assumed the names Jim Davis and Richard Morgan. If the number of aliases translates into extent of criminal behavior, or at least intent to deceive, Heinbaugh was the most troubled. His aliases included the names Dick Trevelyln, Dick Kravelyn, John Finch, H.E. Cable, and Stephen Van Doren.

When they were together, it is unlikely that their conversations drew much attention because these men knew how to deceive. They probably kept their voices down and their faces expressionless, with Harris greeting only people he knew well.

They may have glanced around to make sure no one was overhearing their conversation, but that didn't stop them from hatching their plot to go north to the Twin Cities. None of them had much money. They planned to rob people in St. Paul so they could get enough cash to have a good time in Minnesota or even take a side trip into Wisconsin.

They knew the implications of what they were doing. For Heinbaugh and Harris, it meant they were violating stipulations of their parole. For Warren, it meant leaving his young, pregnant wife whom he had married just last year. For all three, it meant going farther down the road of returning to prison – if they got caught. Not getting caught must have played a paramount role in their plan.

Part IV – Shooting, Hospitalization, and Arrests

August 6, 1917

Minneapolis, Minnesota

Armed with two revolvers, Heinbaugh, Harris, and Warren arrive in Minneapolis and immediately begin their nearly week-long crime spree, robbing people every night. After about three or four days they go to St. Paul and continue holding up people. Heinbaugh and Harris are armed, but they haven't fired any shots. Warren's job, without a weapon, is taking money and objects of value from the victims. They confine these nighttime activities to the St. Anthony Hill residential district just up the hill from the St. Paul Cathedral. This string of robberies is occurring with such regularity that the police are stationing officers on the streetcar lines these men are likely to use to escape toward Minneapolis.

August 11, 1917, just after midnight

St. Paul, Minnesota

It is a beautiful night but a cool one for summer in Minnesota. Ben Fischer, proudly displaying badge 158, is walking his beat and stops each hour at the call box to contact the Rondo station and see if he's needed anywhere. This time he is informed that there have been more hold-ups in the vicinity. H. H. Campbell was robbed at Carroll Street and Western Avenue. John Auger, who lives on Summit Avenue, was also robbed nearby. Ben and his partner, Wylly Smallwood (a tall man with a stout build), head east to meet up with Mr. Campbell near his home on Oxford Street. They soon learn that he can identify the suspects. They commandeer a private car, grab Mr. Campbell, and speed off to search for the robbers with Ben standing on the running board and gripping the car through the open window.



There are few streetcars running at 2 o'clock in the morning, even on the well-traveled University Avenue line. At the intersection of University and Dale, Mr. Campbell spots at least one of the three robbers on the streetcar heading west toward Minneapolis. Campbell alerts the two officers. They stop the streetcar. Talking to the motorman just outside his entrance at the front of the streetcar, Ben and officer Smallwood briefly discuss what to do. Ben boards the streetcar through the small front entrance. Officer Smallwood remains outside.



Streetcar with three gates open, platform visible

Entering the streetcar, Ben quickly scans the passengers in the front, but he does not recognize Warren. As he scrutinizes the passengers, all of whom are facing him, he thinks he recognizes Harris on the right side of the car. Ben steadily walks down the aisle and turns slightly to put his right hand on Harris' shoulder. Harris, who is seated with his arms crossed over his chest

hiding his weapon, immediately withdraws his gun and shoots Ben point blank. The bullet rips into his neck behind his ear and he immediately drops to the floor. As Ben is lying crumpled on the floor of the narrow aisle before he loses consciousness, he thinks, "Why are they pouring water into my mouth?" (It's days later that he learns it was blood from the gunshot wound that was spurting into his mouth.) Heinbaugh immediately joins Harris in the fire fight, as Harris scrambles over Ben's body to get to the large passenger exit at the rear of the car. One of the passengers, Gust Marchessault, is so close to one of the shooters that his right arm is singed by the blaze from the pistol.

Outside, as he takes cover behind a telephone pole, officer Smallwood pulls his Smith and Wesson from his back pants pocket and returns fire. Streetcar windows shatter. Heinbaugh and Harris continue shooting in the direction of officer Smallwood. The few passengers on the streetcar panic and duck behind their seats as the bullets fly. Harris' ankle is grazed by a bullet, but it doesn't stop him. Officer Smallwood sustains a minor injury but, nonetheless, shoots Warren in the earlobe before his police pistol jams. Warren then hides behind his seat.

This lull in officer Smallwood's firing allows the suspects to begin their escape. Heinbaugh and Harris jump down eight inches to the streetcar platform and from here clamber desperately over the five-foot-tall gates, landing awkwardly in the street. Getting back on their feet, they flee east down University. Warren remains on the streetcar and hides behind the seats.

Less than a minute after his gun jams, officer Smallwood is joined by patrolmen Joseph Falkey (a highly decorated marine from the Spanish American War), Ernest Heere, and William

Lancette from the Rondo Station. One of these officers calls for an ambulance on the call box. At Rondo Station, someone calls City Hospital to tell them a gunshot victim is on his way.

Meanwhile, Sergeant William Lancette tackles Warren when he attempts to crawl out a window of the streetcar. Sergeant Lancette subdues and arrests him. Warren – slightly wounded in the arm and ear, but with his face severely battered – is the only one taken into custody at the scene.



Although Heinbaugh and Harris are still in the area – just a half block east of Dale on University – police don't catch sight of them in the pitch-black darkness. The two men count on the cover of darkness to elude the police. They lean tight into the shadows of a building, pausing for a few seconds to reload their cheap, but efficient, long-barreled weapon with .38 caliber shells. The two suspects then turn right on Kent Street and run about a half mile to Selby Avenue. They catch another streetcar heading west on the Selby-Lake line toward Minneapolis.



The police motor ambulance, operated by officer Jim Holland, finally arrives. The crew deftly lifts Ben onto the stretcher, loads their critically injured brother into the ambulance, and rushes him to City Hospital about three miles south, traveling at amazing speeds of up to 20 miles per hour. With little equipment to assist him, the doctor on board does his best to stanch the blood flow and keep Ben alive until they reach the hospital. Ben was admitted by Dr. Arthur Ancker. There, doctors in this, the tenth largest hospital in the country, begin emergency surgery to explore the damage to Ben's neck and stop the bleeding caused by the bullet in the attempted homicide. Dr. Charles H. Pelton, assistant superintendent of the hospital, reports that the surgeon did not remove the bullet because an X-ray shows it is so close to his spine.

Detectives from Central Station and reinforcements from Rondo Station are dispatched to each city block near the shooting, although this extra assistance arrives too late to be effective. Using flame-lit lanterns that cast only a few feet of light to search for the two men who escaped, the police cannot track them. An officer is sent to Ben's home to inform his wife that he has been shot. At 2:30 a.m. the physicians at City Hospital report that Ben, unconscious, is not expected to survive. A Catholic priest is called to administer the last rites. St. Paul police notify their counterparts in Minneapolis to be on the lookout for Heinbaugh and Harris.





Warren is taken to Central Station where he is questioned personally by Chief John J. O'Connor. While this is happening, police surgeon Dr. LeRoy Brown dresses Mr. Marchessault's burn wound.

August 11, 1917, dawn The Fischer family farm, Waconia, Minnesota

Albert and Bill, Ben's brothers, were grateful that in the midst of her alarm Tina thought to have them contacted. Living in town, Bill got the telephone call. He drove to the farm as soon as he was told what happened. Chores on the farm had begun before the first rooster crowed, so Albert was working in the barn when Bill arrived. Walking into the kitchen and telling their mother what had happened was one of the hardest things they had ever done. They had recently made it through their father's untimely death, but this was different. This was Ben. How could this happen to Ben?

Albert and Bill drove to St. Paul, fearing all the while that it would be too late, that Ben would already have died by the time they got there, yet praying with every breath that he would live. They talked to a patrolman when they entered the hospital. He said he heard that Ben hadn't drawn his gun when he approached the suspect on the streetcar. Slowly trying to comprehend that information, Albert and Bill's fear was compounded with anger, only now they were angry at Ben. How could he have not drawn his revolver? What was he thinking? As boys they went hunting together. He knew how to handle rifles. He knew how to shoot. But they also knew Ben thought he could talk his way out of any problem. That was the brother they knew. That was the brother they loved and admired. But how could he have put his life at risk like that? Where will this leave Tina, Florence, and little Herb?

August 11, 1917, 7 a.m. Minneapolis, Minnesota

Heinbaugh and Harris make it to downtown Minneapolis. They think about how to avoid capture, although that doesn't prevent them from robbing more people in Minneapolis. They are even more desperate for money now, needing it for a final escape. They enter a second-hand shop on First Street in the area between Hennepin and Nicollet, offer to sell the clothes they're wearing, and purchase another set of clothes. The proprietor, H. L. Olson, suspects this unusual

request but not enough to immediately warrant alarm. However, while Heinbaugh and Harris are changing their clothes, Mr. Olson notices their guns and runs outside to alert the Minneapolis police. Harris flees the building when he glimpses the proprietor rush out with a look of cold fear on his face.

Patrolman John Albrecht, considered a champion police wrestler, races to the area when he hears Mr. Olson's cries for help. Officer Albrecht hones in on Heinbaugh, but misses Harris. This Minneapolis police officer had heard about the Fischer shooting in St. Paul. He doesn't know if Heinbaugh and Harris were the shooters, but he doesn't wait to question a man with a revolver. Heinbaugh starts to draw his gun but hesitates a split second, just long enough for Officer Albrecht to get the upper hand. They struggle, but Officer Albrecht powerfully slugs Heinbaugh on the jaw, knocking him unconscious before he could fire his gun. Albrecht searches Heinbaugh and confiscates his revolver and a pocket-full of loose cartridges. Harris eludes capture again.



Heinbaugh is taken first to the Minneapolis downtown station where he confesses to numerous robberies in that city. He is held and booked for those robberies and the attempted shooting of officer Albrecht. While in custody, he is transported to Central Station in St. Paul where he is questioned personally by Chief O'Connor. O'Connor is not happy with the thought of losing another one of his men. O'Connor himself takes charge of the search for Harris.

Heinbaugh is taken back to Minneapolis to be held for some time for the assault on Officer Albrecht. Minneapolis detectives continue searching downtown Minneapolis for Harris.

August 12, 1917

St. Paul, Minnesota

Ben regains consciousness. Physicians now believe he will live if there are no unanticipated complications.

Somehow, Harris makes it back across the river again and finds a place to stay in St. Paul: Curry's rooming house on Spruce Street. He hides out there beneath the police radar for three or four days.

Chief O'Connor sends an all-points bulletin by telephone, telegram, and teletype to police departments far and wide.

August 22, 1917

City Hospital, St. Paul, Minnesota



Dr. Albert E. Ahrens takes Ben back into surgery. Using Novocaine as his only anesthesia, Dr. Ahrens excises the bullet at the tip of the right mastoid – a hair's breadth from Ben's spine – sutures the incision, and applies a sterile dressing.

August 23, 1917
Chicago Police Department,
Chicago, Illinois

Harris is caught and arrested for carrying concealed weapons. Chicago police tentatively identify him as being the person described in J.J. O'Connor's communication sent several days previously. They telegraph St. Paul police who confirm Harris's identity. Harris waives extradition. O'Connor – known as “the big fellow” – smiles with satisfaction when he announces to the press that Harris is in custody in Chicago. St. Paul detective Peter Lavalley departs immediately by train for Chicago to bring Harris back to justice in St. Paul. They return a few days later. Harris is locked in a cell in the Ramsey County jail on August 26.



August 29, 1917
St. Paul

After 18 days in the hospital, Ben is discharged and returns home. His right arm is paralyzed.

Part V – Court Proceedings

August 14, 1917
St. Paul, Minnesota

On August 14, Warren and Heinbaugh were charged with highway robbery in St. Paul Municipal Court. The cases were continued to August 24.

On October 5, a grand jury in the Ramsey County District Court indicted Warren, Heinbaugh, and Harris for assault in the first degree. According to court records, the three men:

“did wrongfully, unlawfully and feloniously make an assault in and upon the person of one Benedict G. Fischer with a weapon likely to produce grievous bodily harm, to-wit: - a pistol loaded with powder and ball...with the intent then and there had and entertained by them...to kill and murder the said Benedict G. Fischer.”

All three were also charged with robbery in the first degree for their crimes an hour before Ben was shot.



On October 8, Warren, Heinbaugh, and Harris were arraigned in Ramsey County District Court and pleaded not guilty to the charges. Three days later at their hearing, they withdrew their pleas. Warren and Heinbaugh then pleaded guilty to robbery in the third degree, and Harris pleaded guilty to robbery in the second degree.

The judge at the hearing was Charles C. Haupt, formerly a United States district attorney who, at age 63, had just that year been appointed to the Ramsey County District Court bench. The State's case was presented by 40-year-old Assistant Ramsey County Attorney Christopher

D. O'Brien Jr. O'Brien had been around the law all his life because his father was a lawyer of great repute and former mayor of St. Paul, and his uncle was a justice on the Minnesota Supreme Court. Warren was represented by Thomas W. McMeekin, an attorney who came into prominence years later for representing St. Paul's infamous gangland kidnapers and murderers. Harris and Heinbaugh were represented by William J. Quinn. Quinn was an up-and-coming, politically connected 27-year-old attorney. This urbane young man was known as having a magnetic personality and being committed to serving the poor and unfortunate in his criminal practice.



It's not clear how aware Mr. O'Brien was of the facts of the case. At one point he was questioning Warren, asking him about a robbery the night of Ben's shooting. Mr. O'Brien asked many questions about robbing John B. Auger. Then the following exchange occurred:

O'Brien: "You didn't rob any other person that night, did you?"

Warren: "Yes, sir."

O'Brien: "What other person?"

Warren: "I don't know who he was."

The Court: "That is another offense they are charged with is it?"

O'Brien: "No, your Honor, we have no knowledge of that."

Even if there were no charges filed regarding the other robberies that night – and Warren had actually admitted to holding up seven or eight men – it seems curious that O'Brien wouldn't know that other robberies had occurred.

The court transcript from their appearance on October 11 focused almost entirely on the robberies. However, at one point Warren was asked if he shot Ben. He denied it and also said he “couldn’t say for certain” who shot Ben. O’Brien then said,

“These defendants, your Honor, robbed this man, John Auger, a citizen here, at Marshall and Iglehart, up there, and afterwards about 1 o’clock, as he says, afterwards got on the streetcar, and when Officer Fisher (sic) met them coming out to arrest them, I understand, my information is that Harris shot the policeman; is that right Mr. Quinn?”

Mr. Quinn, Harris and Heinbaugh’s defense attorney, said “Yes.”

When Heinbaugh and Harris were examined, the assault on Ben was not mentioned at all.



As the hearing was concluding, Mr. Quinn brought up the fact that Heinbaugh and Harris had about four years to serve on their parole violation charge in Iowa. He told Judge Haupt, “They are waiting for them in Iowa, and in pronouncing judgment that might be taken into consideration, the time that they must serve in Iowa and the time that they must serve here.” Then Mr. McMeekin mentioned that Warren was married and that he and his wife corresponded regularly since he had been in jail for this most recent offense.

Following this, Mr. O’Brien said, “the State as well as the police department under this plea of these degrees feel that the law should take its course.”

Judge Haupt decreed that Harris, Heinbaugh, and Warren all got indeterminant sentences for hard labor in the Stillwater penitentiary. Heinbaugh and Warren had a maximum length of incarceration of 10 years. Harris’s maximum was 15 years.

After this, the only other mention of Ben’s shooting transpired as follows:

O’Brien: “If the Court please, we have another indictment of assault against these defendants; the state would like to make a motion at this time to continue that indictment indefinitely.”

Quinn: “That is satisfactory, your Honor.”

Court: “The motion will be granted.”

Apparently the police, the prosecutor, and the court agreed that Harris, Heinbaugh, and Warren could plead to robbery, and that the assault charge for shooting Ben was not a consideration in their convictions and sentencing, even though in court it was acknowledged that Harris shot Ben. Perhaps the assault charge could come into play later if any of the three convicts did not fulfill

anything the court required of them. It is possible that because Ben survived the shooting and walked out of the hospital, these issues simply faded into the background. It is also possible that some of these people did not fully understand that the shooting was so serious that Ben would have died had he not gotten immediate medical care.

Part VI – Prison

Harris was the first to arrive at Stillwater, being received there seven days after the three men were convicted and sentenced. Heinbaugh followed on the next day, and Warren was received in prison shortly thereafter, on October 24, 1917.

Prison officials did not see any of these men in a very positive light, at least at some points in time. It was said that Harris was “erratic, unstable and his veracity often questioned.” He was placed in solitary confinement at least once for fighting with a weapon.

Heinbaugh was placed in solitary confinement at least twice. The prison physician described him as being “unstable and undependable and from my observation of him, it does not appear that he is making any serious effort to better his ways or conduct.”

Warren believed he was being kept in prison too long. In 1922 he wrote a letter to Charles Haupt, the judge who sentenced him to prison, asking him to intervene on his behalf. Judge Haupt did write a letter to the Stillwater warden. The warden asked Frank A. Whittier, a parole agent, to respond to Judge Haupt. Mr. Whittier wrote a letter to the judge, saying, “I don’t believe any injustice has been done in this case.... The attitude of this young man has never been exactly as it should be, he is rather inclined to be surly and defiant.”

Both Heinbaugh and Harris requested permission to order books to help them learn Spanish, this at a time when few people spoke Spanish in the United States. (One wonders what plans these convicts had that would require fluency in Spanish.)

Harris, Heinbaugh, and Warren certainly had the support in prison of at least some of their family members. All three men received letters and visits from relatives. Over the years he was incarcerated, Warren’s wife wrote many letters on his behalf to the Board of Parole. Early on, Heinbaugh’s aunt petitioned for clemency on his behalf, but it was denied. Harris’ and Warren’s files – but not Heinbaugh’s – contained many supportive testimonials about their upstanding character from those who knew them in Iowa. Apparently, these individuals believed the “boys” were easily led by the wrong type of friend. While in Stillwater prison, Heinbaugh sent small amounts of money to his family in Toledo on five different occasions. Harris frequently sent money to his mother. Warren routinely sent his earnings to his wife.

Harris signed up for a correspondence course in “Good English” and another in penmanship. Warren was a member of both the prison band and orchestra. Three years after he was incarcerated, Warren asked if he could purchase an instrument, but his request was denied. It was suggested that he continue to use the prison’s instrument and instead use his money to support his wife and child. Two years later he made the same request,



asking to spend \$50 on an instrument. This time his request was approved. During the time he was incarcerated, the state paid Warren’s wife \$10 per month in support of herself and their child. This was the standard amount for a woman and one child, and it was in addition to Warren’s wages of \$8 to \$9 per month.

All three men applied for and were denied parole many times. After serving 3½ years in Stillwater, Heinbaugh and Harris were conditionally discharged on March 24, 1921 to the Iowa Reformatory at Anamosa where they were imprisoned for their parole violation charges. Warren was paroled from Stillwater about two years later on May 29, 1923, after having served 5½ years.

Part VII — The Aftermath

Henry Heinbaugh

In December of 1923 Henry Heinbaugh was held as a “suspicious person” by the Des Moines police. By 1930, Heinbaugh was married, a father, and a step-father. He owned a radio (a sign of being able to afford something nonessential), and was working as a barber in Detroit, the same city where his friend, Lee Harris, was arrested in 1924.

Lee Harris

In January of 1924 Harris, now using the aliases Harold Springer and Leroy Conway, was arrested in Chicago for assault to kill. Although no public record of the outcome of that arrest can be readily accessed, it appears that Harris was not detained long. Later that year, on October 16, he was arrested in Detroit for armed robbery and was held there for sentencing. Typical sources of public records do not reveal anything about Lee Harris’s life after that time.

R. C. Warren

R. C. Warren was off parole one year after he was discharged from Stillwater. During the time he was on parole, Warren was restricted to living in Minnesota. During this time he worked, but was not able to consistently find full-time employment. Three months after he was off parole, he wrote a letter to the State Board of Parole stating his belief that the Board was responsible for his

rent and grocery bills while he was on parole. The Parole Board disagreed. It does seem, though, that he was able to turn his life around. In 1930, Warren worked as a painter. He and his wife had three more children, and owned a modest home and a radio. At some point he and his wife moved to California where he continued to work as a painter. R.C. Warren died in 1955.

Benedict G. Fischer

Life was a difficult for many people during World War I and the 1920s. It was no easier for Ben with his right arm paralyzed. Nonetheless, when the draft law changed to require registration from older men, Ben complied and registered for the draft one year after he was shot.

Fischer family lore says that the police were willing to take Ben back on the police force, but its insurance company would not allow this because he had been considered disabled after he was shot. He was placed on pension in December of 1921. In 1929 and 1930 his pension was \$70 per month. This was a rather generous pension for that time, but it was only half his pay as an active police officer in 1920.

Ben and Tina's daughter, Florence, remembered that it was difficult for Ben to do simple things for himself. For example, activities as undemanding as eating were a severe problem because for years he could not raise a fork or spoon to his mouth. The nerve damage caused by the bullet to his neck probably also caused the mood changes Ben experienced, including sudden bouts of crying.

The Fischer family had to struggle to get by. Running a household for a family of five – Alberta was born in 1919 – must also have been difficult for Tina. In fact, several quilts Tina made for her family were made out of the black, navy, and brown scraps of cloth Ben was given by a neighborhood tailor. Although perhaps seen through the indistinct lens of childhood memory, Florence and Alberta remembered that for years they ate the same food almost every day – mostly peas – because, again, they could not afford much else. In 1930, the Fischer family did not own a radio, this at a time when 40 percent of American families did.

Until the time he was placed on disability, Ben always considered himself a policeman. During this time, Ben rehabilitated himself and gradually regained the use of his right arm. He tried to pick up odd jobs as he could, occasionally working as a railroad switchman (1923) or a laborer (1927), but most of the time he was not able to find employment.



At the start of the Great Depression, Ben was fortunate enough to start another career:

constable at large of St. Paul, serving court-ordered papers to



Vote for
BENEDICT G. FISCHER
Ex-Policeman of St. Paul
for
**CONSTABLE
AT LARGE**

Prepared for and by Benedict Fischer, 1442 Thomas St., St. Paul

individuals involved in civil suits, and sometimes repossessing their belongings. There were two constables at large in St. Paul at this time, each with a two-year term of office. In the early years of his bid for election, Ben's campaign cards showed a photograph of him in his police uniform next to the phrase "ex-

policeman of St. Paul." Ben lost his first race for election in 1928, but he ran again in 1930 and won. In 1932 he ran for the third time but lost to another St. Paul police officer. 1934 began a string of wins until he lost the 1942 election. With no comment on the power of incumbency, Ben won the 1944 election and every subsequent one including the last time he ran, in 1972, when he was 90 years old. He intended to run in 1974 but missed the filing deadline by one day, an error that was probably orchestrated by his two daughters. He tried to make the case that since he had been in city hall during the time he could have filed, city officials should have taken that as his de facto filing. City officials did not buy that argument, bringing Ben's career as constable to an abrupt yet honorable end.

Ben was always quite the lively character. Whether it was sneaking his children into the state fair without paying during the Depression, telling Alberta he was bringing her a fresh chicken to cook for her family's dinner while neglecting to mention that it hadn't been plucked of its feathers yet, teaching a granddaughter to drive by directing her the wrong way on a one-way street because it was a shorter route, buying scraggly Christmas trees late on Christmas eve because that's when he could get the best price, or learning to dance the "mashed potatoes" in the early 1960s, he was always his own person. His son-in-law still says that Tina would just roll her eyes and smile whenever she learned of another of Ben's antics.



Ben (top row, fourth from the left in the photo above) was very proud that his eldest grandchild, Richard Fischer (Herb's son), became a police officer. When he was growing up, Richard heard Ben's stories about life on the police force. Ben would tell him about how the police didn't always have shotguns when he first joined the police force, and how they didn't particularly want to publicize widely that they were finally purchased. Most importantly, though, Ben told Richard how much he loved being an officer and walking his beat every day. He loved getting to know all the people he served and protected. This was why he joined the police force. It wasn't like "modern times" when cops rode in cars and had less contact with the everyday folks. These stories – and Ben himself – inspired Richard to join the force. Once, when Rich was working undercover and ripped his shirt, he stopped at Ben's house to have Florence sew it up and then get right back to work. Rich retired from the Minneapolis Police Force with more than 30 years of dedicated service.

To Ben, all people were the same. Rich or poor; young or old; of any race, creed, or religion – we were all people with our own stories to tell, and we were all people to be respected and accepted with all our faults and frailties. Ben was not one to hold a grudge probably because he didn't judge people to begin with. This might be why he never talked with his grandchildren about the time he was shot and the fact that nobody went to prison because of this assault. His grandchildren knew of the long scar on the back of this beloved man's neck, but never heard him say a word about the man who shot him.

In his late 80s or early 90s, Ben's daughters took away the keys to the Model A Ford (with the original "ah-ooo-ga" horn) he had driven throughout his career as constable – the only car he ever owned. When this happened, Ben started hitch-hiking. This trusting old soul would, on

occasion, walk over to Snelling or University, pull out his neatly-ironed white handkerchief, and wave it at passing drivers until someone would stop. He'd then open the door, commandeer the car, and give directions to where he wanted to go. No one ever turned him down.

Ben Fischer died in his home on Thomas Avenue at 94 years of age in 1976. His son, Herb, gave the personal information that was recorded on Ben's death certificate. Herb correctly reported Ben's birth date, address, and marital status, along with the names of his parents and their birthplaces. When asked Ben's "usual occupation," Herb said "police officer." He got that one right, too.

Acknowledgements, References & Photo Credits

Note: Text in *italics* is based on some facts, but the exact actions and individuals' thoughts are as imagined by the author.

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Thanks to Sgt. Chris Hudok of the Minneapolis Police Department for sharing information about Officer John Albrecht.

In-depth information on streetcars in 1917 in St. Paul was generously shared by Jim Vaitkunas, Secretary and Operations Chief of the Minnesota Streetcar Museum. <www.trolleyride.org>

References

Part I – Tina's Perspective

Most of this information is from family lore told to the author by Florence Fischer and Alberta Fischer Geber.

Part II – Patrolman Benedict G. Fischer's Background

The time Ben moved to the Rondo Station is from a personal communication with from the St. Paul Police Historical Society. The Central Station was located downtown at 110 W. 3rd Street and the Rondo Station was on the corner of Rondo and Western. The number of officers who had died is from the St. Paul Police Historical Society. Honor Roll.
<www.spphs.org/honor_roll/index.php>. Accessed October, 2010.

Part III – The Plot

Unless otherwise noted, glass negatives for photographs and the information about Lee Harris, Henry Heinbaugh, and Robert Cecil Warren are from their Stillwater Prison records which are available at the Minnesota Historical Society Library. State Archives. Stillwater State Prison. Case Files (discharged inmate files.) Call number: 125.E.16.2F; State Archives. Stillwater State Prison, Commitment Papers. Call number: 123.C.5.10F; and State Archives. Stillwater State Prison. Photographs. Call number: 121.I.4.5 Packet 473. These records include:

- Deputy Warden's Examination Sheet.
- Statistical Record – State Prison – Stillwater.
- Letters written by Frank A. Whittier, parole agent.
- Other letters written to and from prison officials.
- Glass negatives for photographs.
- Receipts.
- Other assorted documents.

Ramsey County District Court records are available at the Minnesota Historical Society Library. State Archives. Ramsey County. Volume 2. Courts – Criminal Case Files. Call number: 119.H.13.1B Box 61.

Court records typically record Heinbaugh's first name as "Henry" while prison records call him either "Henry" or "Harry." Court and almost all prison records spell his last name "Heinbaugh." Letters from relatives called him "Harry Hinebaugh." Harry/Henry signed a letter "H Hinebaugh." Because most official Minnesota records use the spelling "Heinbaugh" this document uses that spelling, although his correct name was probably "Harry Hinebaugh."

Part IV – Shooting, Arrests, and Hospitalization

The newspaper articles that were used as sources of information on the events on or immediately after 11 August 1917 are:

- "Patrolman and hold-up are shot in gun battle." St. Paul Pioneer Press, August 11, 1917, page 1.
- "Officer is shot in bandit fight." St. Paul Daily News, August 11, 1917, page 1.
- "Second man in bandit trio under arrest." St Paul Dispatch, August 11, 1917, page 1.
- "Policeman is shot by 3 bandits on car; two suspects held." Minneapolis Journal, August 11, 1917, page 1 and 2.
- "St. Paul patrolman shot in gun fight." Minneapolis Tribune, August 11, 1917, page 1.
- "Patrolman has chance to live; bandit escapes." St. Paul Sunday Pioneer Press and St. Paul Sunday Dispatch, Second edition, August 12, 1917, page 1.
- "Wounded officer likely to live." St. Paul Daily News, August 12, 1917, page 5.
- "Patrolman, shot in gun-fight, improves." Minneapolis Tribune, August 12, 1917, page 2.
- "Policeman rallies." St. Paul Daily News, August 13, 1917, page 4.
- "Patrolman's alleged assailants in court." St. Paul Daily News, August 14, 1917, page 10.
- "Ben Fischer shot making an arrest." Waconia Patriot, August 16, 1917, page 1.

Other sources of information are Stillwater Prison files and Ramsey County District Court files as noted in Part III.

Information about Patrolman Wylly (William) Smallwood is from: Ancestry.com. World War I Draft Registration Cards, 1917-1918. Registration Location: Ramsey County, Minnesota; Roll: 1675895; Draft Board: 4.

Information on the streetcar is a personal communication from Jim Vaitkunas, Secretary and Operations Chief of the Minnesota Streetcar Museum. <www.trolleyride.org>.

Information about the speed a police ambulance traveled in 1917 is from S.D. Thielen, The history of organized medical transport in Minneapolis, 1867-1930. Minnesota Medicine, March, 2010.

Information on the size of City Hospital (formally named “City and County Hospital”), the largest hospital west of Chicago is from:
<www.regionshospital.com/rh/about/history/index.html?searchTerm=ancker>. Accessed October, 2010.

The reference to Dr. Charles H. Pelton is from the St. Paul Dispatch, 11 August 1917, page 1. Information on the police ambulance and Ben’s surgeries while in City Hospital is from State Archives. Ramsey County. Volume 1. County Offices. St. Paul Ramsey Hospital – Patient Registers for Surgical Operations which is available at the Minnesota Historical Society Library, call number: 108.G.16.4F Box, and Surgical Registers, call number: 108.E.6.3 Box 14.

The reference to J.J. O’Connor sending the all-points bulletin and Harris arrest is from St. Paul Daily News, August 24 1917, page 3.

Background information on Officer John Albrecht is from a December 28, 2010 personal communication from Sgt. Chris Hudok, Minneapolis Police Department.

Part V – Court Proceedings

Unless otherwise noted, the information in this section comes from Ramsey County District Court records of the final hearing. Court records are available at the Minnesota Historical Society Library. State Archives. Ramsey County. Volume 2. Courts – Criminal Case Files. Call number: 119.H.13.1B Box 61.

Information on Judge Charles C. Haupt is from:
<www.rchs.com/oppenheimer/oppenheimer.htm>. Accessed January 13, 2011. Also Minnesota Historical Society Death Certificate ID: 1922-MN-023927.

Information on Christopher D. O’Brien Jr.’s father and uncle is from:
<<http://collections.mnhs.org/mnhistorymagazine/articles/19/v19i04p427-476.pdf>>. Accessed February 9, 2011. Christopher D. O’Brien Jr.’s death record, which identifies his parents’ names, is from the Minnesota Historical Society Death Certificate ID: 1951-MN-007728.

Information on Thomas W. McMeekin is available from the Minnesota Historical Society Library. Paul Maccabee. St. Paul Gangster History Research Collection. Manuscripts Notebooks. Call number: 143.J.9.8F Box 4. Also the Minnesota Historical Society Death Certificate ID: 1948-MN-026776.

Information on William J. Quinn is from the Minnesota Legal History Project:
<[www.minnesotalegalhistoryproject.org/assets/William%20Quinn%20\(1889-1932\).pdf](http://www.minnesotalegalhistoryproject.org/assets/William%20Quinn%20(1889-1932).pdf)>.
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Part VI – Prison

Information on Harris, Heinbaugh, and Warren is from their Stillwater Prison records which are available at the Minnesota Historical Society Library. State Archives. Stillwater State Prison. Case Files (discharged inmate files.) Call number: 125.E.16.2F; and State Archives. Stillwater State Prison, Commitment Papers. Call number: 123.C.5.10F.

Information on the penitentiary at Stillwater Prison is from:
<www.corr.state.mn.us/aboutdoc/history/1907-1920.htm>. Accessed January 3, 2011. The new Stillwater Prison is located in Bayport and was opened in 1914.

Part VII – The Aftermath

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Ben's draft registration information is from Ancestry.com. World War I Draft Registration Cards, 1917-1918. Registration Location: Ramsey County, Minnesota; Roll: 1682639; Draft Board: 9.

Information on Ben's paralysis, its impact on the family, and Ben's antics are personal communications from Florence Fischer and Alberta Fischer Geber.

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Photo Credits

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The photo of the streetcar is used with permission of the Minnesota Streetcar Museum.

The photo of John Albrecht is from Minneapolis Sunday Tribune; November 19, 1916, page 6.

All other photos are from the personal collection of the author.