

**The Duluth Lynching**

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**History 489**

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## Chapter 1

### Introduction

#### Racial Conflict across the Nation

There have been decades of violence following the civil war; the early twentieth century continued that trend. The power and control lust of the white mob and the use of lynching has been a tradition for over a hundred years. Not one state is free from blame, each state has its own stained past and record of lynching. In the Midwest the lynching numbers are lower. Between 1882 and 1962, Minnesota had nine recorded lynchings, Wisconsin had six recorded lynchings, and Illinois had thirty-four recorded lynchings.<sup>1</sup> Although states like Alabama, Georgia, Arkansas, Mississippi, and Texas have recorded lynchings numbering over two hundred, the north contributed to the nation's theme of discrimination. In fact lynching was such a trend across the United States that between 1882 and 1962, 4,736 lynchings have been recorded.<sup>2</sup>

Lynchings were happening across the United States for a number of reasons but mostly to intimidate blacks into political, social, and economic submission. About 25 % of lynch victims were lynched because they were accused of rape or attempted rape. "Most blacks were lynched for outspokenness or other presumed offenses against whites, or in the aftermath of race riots. In many cases lynchings were not spontaneous mob

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<sup>1</sup>"Lynching by State and Race 1882-1962" Online at:  
<http://www.nathanielturner.com/lynchingbystateandrace.htm>, visited on: 09/18/2006

<sup>2</sup>"The History of Jim Crow" Online at:  
<http://www.jimcrowhistory.org/geography/violence.htm> visited on: 09/18/2006

violence but involved a degree of planning and law-enforcement cooperation.”<sup>3</sup> What did the United States’ legal system do about the crimes against blacks?

Today the United States has laws against lynching by state, but these laws were not always in place and were late in coming. Looking back on the legal history of discrimination, most historians are familiar with the Dred Scott case that took place in the U.S. Supreme Court in 1857. “U.S. Supreme Court Chief Justice Roger Taney institutionalized the ideology of the ‘white man’s republic’ in his now infamous DRED SCOTT opinion.” This case set a precedent throughout all of the United States that no black individual was a citizen of the United States, regardless of whether or not that person was free or a slave. U.S. Supreme Court Chief Justice Roger Taney stated, “We think that [blacks] are not, and that they are not included, and were not intended to be included under the word ‘citizens’ in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.”<sup>4</sup> This harsh reality for blacks maintained regardless of the fourteenth amendment which was passed July 9, 1868, guaranteeing that all persons born or naturalized in the United States were citizens. A hard question we have to ask ourselves is this: why was a federal anti-lynching law never passed? Still to this day the United States federal government does not have an anti-lynching bill. In fact in on June, 14 2005, every major newspaper was printing similar articles, like the one in the *San Diego Union Tribune* titled “Senate apologizes for refusing to enact an anti-lynching law”. This newspaper printed, “There may be no other injustice in American history for which the

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<sup>3</sup> Dray Philip, *At the Hands of Persons Un known: the lynching of Black America* ( New York: Random House, 2003), 46-48.

<sup>4</sup> Pfeifer, Michael. *ROUGH JUSTICE: LYNCHING AND AMERICAN SOCIETY, 1874-1947*. Chicago: University of Illinois Press, 2004.

Senate so uniquely bears responsibility', Sen. Mary Landrieu, D-La., said before a voice vote in which the Senate apologized for refusing to enact legislation against lynchings and mob violence that terrorized blacks well into the 20th century.”<sup>5</sup> Throughout the twentieth century our nation has witnessed appalling crimes of hate and discrimination. Our country has witnessed, statewide lynchings, the Ku Klux Klan's terror and intimidation, and literacy laws preventing blacks from participating in government—even after the Fifteenth Amendment. Our nation has experienced tremendous loss in the assassinations of great people like Martin Luther King Jr., Lincoln, and Medgar Evers.

More specifically between 1900 and 1920, the nation as a whole was experiencing the horrors of lynching. There are many unique and important stories of tragic lynchings during the progressive era. There were forty-one lynchings recorded nation wide during the two decades (1900-1920); the names of those families and friends who have suffered the violence of lynching can be found at the Strange Fruit Organization webpage.<sup>6</sup> Although the nation as a whole was experiencing many changes, including a push for social justice and general equality, there was still race conflict and lynchings. During the progressive era there were some amazing and profound movements happening. Some of the progressive movements include: prohibition, women's suffrage, growing interest in science and technology, public safety, transportation, and dealing with corruption in government. However the progressive movement meant different things to people of color. To people of color the progressive movement meant the fight for political, social, economic, and class equality. They were searching for de-segregation and fighting

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<sup>5</sup> *The San Diego Union Tribune*, 14 June 2005.

<sup>6</sup> “Strange Fruit” online at: <http://www.strangefruit.org/1900-1920.htm>  
Visited online: 09/21/2006

against the Jim Crow laws. Intellectuals and advocates like Booker T. Washington, W.E.B Dubois, and Ida B Wells, were fighting their own up hill battle. It was at this time the NAACP formed, The National Association for the Advancement of Colored People. The NAACP was founded in 1909 and was designed to fight the Jim Crow laws, de-segregate society, and provide hope, motivation, and resources for colored people.<sup>7</sup> The climate of the United States during the progressive era was one of change, and like most stories, change does not always come easy, and many times experiences regression.

## **Background**

### **Duluth, Minnesota**

On June 15, 1920, the city of Duluth, Minnesota, found itself no exception to racial conflict and the crisis of lynching. Before the tragedy that occurred in June of 1920, Duluth was like many other northern industrial cities. The area was rich with lumber, iron, and of course its greatest resource—Lake Superior. Duluth is located in northeastern Minnesota and is a harbor town to the great Lake Superior. Because of Duluth's resources, the town grew rapidly and became know for shipping and manufacturing.<sup>8</sup>

The population of Duluth in 1920 was 98,917 according to United State's census data. The black population made up less than 1% of the total population in Duluth,

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<sup>7</sup> Zangrando, Robert. *The NAACP Crusade Against Lynching, 1909-1950*. Philadelphia: Temple University Press, 1980.

<sup>8</sup> "Duluth Lynching Online Resource: Historical Documents Relating to the Tragic Events of June 15, 1920" Online at: <http://collections.mnhs.org/duluthlynchings/html/background.htm> visited on: 9/18/2006

recorded at 3,927.<sup>9</sup> Blacks in Duluth held a variety of jobs; most were portors, waiters, janitors, and factory workers. Because of the iron abundance, steel corporations recruited blacks to work in the factories, which brought many blacks to Duluth and other parts of northern Minnesota.<sup>10</sup> Segregation within Duluth caused the Blacks to live in ghettos downtown, while the whites lived in upscale neighborhoods like Morgan Park.

Even though the populations were largely separated within the city, tension lurked among the white population. Since U.S. Steel was the city's largest employer and was recruiting blacks from the south, blacks resided all over the western portion of the city near the mill. Most blacks resided in an area of Duluth in the "western most tip" of the city called Gary.

<sup>11</sup> Duluth was experiencing changes after WWI had ended. Soldiers were coming home to jobs that had been filled with migrant workers, and race relations tensions surfaced.

The red scare which promulgated throughout the nation hit Duluth as well. Accusations and fear caused many Americans to believe rumors about people who could be unpatriotic; many people suspected immigrants and local blacks.

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<sup>9</sup> "Minnesota- Race and Hispanic Origins for Selected Large Cities and Other Places: Earliest census to 1990" Online at: <http://www.census.gov/population/documentation/twps0076/MNtab.pdf> visited on: 09/21/006

<sup>10</sup> "Duluth Lynchings Online Resource: Historical Documents Relating to the Tragic Events of June 15, 1920" Online at: <http://collections.mnhs.org/duluthlynchings/html/background.htm> visited on: 09/18/2006

<sup>11</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000.

## Chapter 2

### John Robinson Circus in Duluth

June, 14 1920

The progressive era brought new and exciting social, technological, and economic changes to American society. The phenomena of the circus both peaked and began to lose its appeal during this time. Transportation by rail was booming and this allowed for circuses to travel the country. “The number of circuses traveling on rails reached its high point in 1911, when thirty-two shows toured the country.”<sup>12</sup> The growth of the railroad allowed the John Robinson circus to tour in Duluth, Minnesota on June 13, 1920. The John Robinson Circus was known for its sideshows and Big Top performances. The John Robinson Circus employed roughly one hundred and twenty blacks, as cooks and set up and take down technicians. When the circus arrived in Duluth, the circus manager had a meeting with Duluth’s chief of police John Murphy. Murphy had heard about the number of blacks employed with the circus and was worried about the trouble they might have caused. The manager of the circus promised that none of his black workers would cause any problems for the police or the people of Duluth. It was during this conversation that Murphy warned the manager to keep the black workers out of certain parts of towns, as there were some white people who “did not care for Blacks”.<sup>13</sup> Most of the people in Duluth holding racist attitudes of blacks were veterans. They told stories about American black soldiers luring white women, and not doing their job on the front line. Veterans’ bad attitudes were heightened when they came home to their steel factory positions only to find that blacks were working in their positions. There were even Klan members in

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<sup>12</sup> “The Circus in America Timeline 1906-1940” Online at:  
<http://www.circusinamerica.org/public/timelines?date1=1906&date2=1940> Viewed : 09/22/2006

<sup>13</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000.

Duluth who were articulating running blacks out of the city. With all of these hateful attitudes, Police chief Murphy had much to fear about the added black population due to the circus.<sup>14</sup>

Regardless of the fears of chief Murphy, the John Robinson circus was booming by Monday night June 14, 1920. By seven p.m. the Big Top show performed for hundreds of Duluth citizens. The show began packing up the animals around nine p.m., and some people gathered to watch the large animals being placed in their cages and box cars. Two of the people who were hanging around the tents were Irene Tusken, age nineteen, and her male companion, James Sullivan, age eighteen. They ventured out of the crowds to a nearby field close to where the black cook tent was. It is unclear in the police reports what happened next, since neither Tusken nor Sullivan ever openly discuss the details.

According to police reports, James Sullivan called Chief of Police John Murphy stating that Irene Tusken had been raped at gun-point. Strangely the call came at one a.m. only after Sullivan had went to work at the Northern Ore Docks and loaded one boat. It was not until after two a.m. that the police arrived at Irene Tusken's home.

Sullivan reported that the two were followed by six blacks out to the field and one of the blacks grabbed Sullivan's arms while another black pressed a gun to the back of his head and told him to "Be quiet, or I'll blow your brains out".<sup>15</sup> One of the blacks went through Sullivan's pockets and removed a watch, looked at it, and put it back. A

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<sup>14</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000

<sup>15</sup> "Duluth Lynching Online Resource: Historical Documents Relating to the Tragic Events of June 15, 1920" Online at: <http://collections.mnhs.org/duluthlynchings/details.cfm?DcmntID=81&Sequence=1>  
Viewed on 09/25/2006

third black grabbed Tusken, took her to the bush, and raped her. Tusken reported that she fainted and did not remember the ordeal.

The John Robinson circus train was ordered to be held, and every black worker of the circus was taken in to be interviewed by the Duluth police. After the interviews, thirteen blacks were taken under arrest, and the circus train was released to continue its track to Virginia, Minnesota, without thirteen of its workers.

### Chapter 3

#### June 15, 1920: The Events leading up to the Lynchings

By seven in the morning on June 15<sup>th</sup> Chief Murphy concluded that seven of the thirteen blacks were clearly innocent and they were released. Six remained, only five of which were recorded as “believed to be a part of the alleged rape”.<sup>16</sup> The sixth black, Isaac McGhie, at age nineteen was the youngest of the group, was being held only as a material witness, not for the crime.

Meanwhile at the home of Irene Tusken, Dr. David Graham was making a house call to examine her. After a medical examination the following descriptions were written: “The girl felt no pain or tenderness through the speculum and digital exam”.<sup>17</sup> Dr. Graham concluded there were no signs of physical assault.

However the medical report concluding that rape was highly unlikely was not the story circulating through Duluth. By lunch time most of west Duluth had heard of a white girl ravished by black men. Many were outraged. How could this happen to one of their own? Louis Dondino was one of the outraged Duluth citizens, living and working on the west side. He heard the news and began driving throughout Duluth in his truck rounding up friends, hoping they could do something to help. By late afternoon Dondino found many crowds gathering on the street, hearing murmurs of rape and frustration. Dondino was aware that the law gave rapists thirty years of jail time, not death, and feared that something like this would happen again if they did not do something. Leonard Hedman, a friend of Dondino’s, said, “If the law won’t kill them, then by God, the people will”,

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<sup>16</sup> <http://collections.mnhs.org/duluthlynchings/details.cfm?DcmntID=74&Sequence=1>

<sup>17</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000 (33)

referring to the alleged black rapists.<sup>18</sup> Talk began among people on the streets of Duluth. A consensus was formed that the people should take the blacks from jail and give them a punishment the law would not.

Sergeant Olson was one of the keepers of the jail on the night of the fifteenth. He received a call around five p.m. from another officer warning him that a mob was beginning to form. The officer told Olson that he heard rumors that this mob was going to break the blacks out of jail and punish them. Sergeant Olson was known for his capability to handle himself in a fight, and he figured if some men tried breaking in his jail he could handle them. However the call did frighten Olson enough not to leave for a dinner break that night.<sup>19</sup>

Meanwhile, while Olson was listening to his stomach grumble, five men were entering Siegel's Hardware Store, directly across the street from the station. The men were taking yards of rope to purchase, and when the clerk saw this, he said, "This is on the house, boys, you're doing a good thing."<sup>20</sup>

Across the entire city of Duluth people heard of the news, thanks in part to the *Duluth Herald*, which discovered the news and released papers early. The title on the front page in big front read: "*West Duluth Girl Victim of Six Negroes*". The caption directly underneath read: "Attacked on circus grounds while watching loading of show. Pistol at head keeps her escort from raising an out cry. Three Negroes under arrest confess their part in crime."<sup>21</sup> By six p.m. there were a large number of people gathered

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<sup>18</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000 (37)

<sup>19</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000 (46)

<sup>20</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000 (48)

<sup>21</sup> <http://collections.mnhs.org/duluthlynchings/details.cfm?dcmntID=91&sequence=1> viewed online 09/18/2006

downtown on Superior Street. Some of the people were there in reaction to the paper, or from other rumors being spread, and still others were there out of sheer curiosity. One person interviewed after the lynchings said, “There was intense energy, excitement and aggression all around”. William Murnian, the Commissioner of Public Safety, noticed the large gathering downtown, but he decided it was not a big deal and the police could handle it if anything got out of hand.<sup>22</sup> By seven p.m. a green truck with Dondino, Hedman, and other men were driving up and down Superior Street rallying the crowd yelling things like, “Let’s hang the black niggers”.

At this point a well respected member of the community was called by the police to try to reason with the mob. Judge William Cant appeared on the street to try to calm the people. He gave a short speech to the mob saying, “Men, I can understand your anger tonight. This is wrong. Look what happened in Omaha. The riot there disgraced the city. The honor of Duluth is at stake. Most of you are law abiding citizens, and if you do this terrible thing, you will never live it down, and neither will Duluth.” One man from the mob responded “You’d only have to hang ‘em yourself anyways. We’ll save you the bother”. Attempts to let the law run its course were useless; the mob was intent on their mission.<sup>23</sup>

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<sup>22</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000 (51)

<sup>23</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000 (52-56)

## Chapter 4

### June 15<sup>th</sup> 1920: The Lynching

*The ghastly body swaying in the sun  
The women thronged to look, but never a one  
Showed sorrow in her eyes of steely blue;  
And little lads, lynchers that were to be,  
Danced round the dreadful thing in fiendish glee.*  
—from "The Lynching" by Claude McKay<sup>24</sup>

Nothing could stop the mob from breaking into the station. By 8:30 p.m. the first two ground floor windows had been smashed and the station was under siege. The mob fought against officers, and as Olson was being swung at he realized, “These men are going to take the black prisoners”. Almost ten thousand people gathered in the streets to ensure the “niggers” were hung. The mob brought in a hose and overpowered the police. The police made a decision that moment that sealed the fate of the blacks in jail—they choose not to use their guns against the mob. <sup>25</sup>

The blacks in their cells realized their fate as they saw the officers being beaten down. Isaac McGhie rocked on the ground of his cell repeating “Help me, Jesus....help me, Jesus. Lord Jesus please help me”. He was alone in the boy’s division floor, and had no one to talk to. He was in a panic. The rest of them were silent; earlier in the night they

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<sup>24</sup> Dray, Phillip. *At the Hands of Persons Unknown: The Lynching of Black America*. Random House, 2002.

<sup>25</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000 (81-89)

were heard screaming for help, but by 10:40 p.m. there was nothing but quiet prayers, sobs, and silence. All of these men were from the south and no strangers to lynch law and the power of an angry mob. They knew of past stories when a black man had touched a white woman, and there was nothing more horrible than that for white men. They held onto a faint hope that just maybe this northern city had no racial animosity. That hope quickly dissolved as the mob finally broke through the grill separating them from the blacks.<sup>26</sup>

Loney Williams was the first prisoner reached by the mob. They found him hiding underneath his cot curled in a ball. As they came into take him from his cell, he said a prayer and vomited out of sheer fear. He heard the mob yelling “Get ‘em! Kill the black son of bitches!” Isaac McGhie, up the stairs in the boy’s division, was the next man the mob took. They beat him and threw him down the stairs. Isaac McGhie was crying out “Oh God, oh God, I am only twenty years old. I have never done anything wrong. I swear I didn’t. Oh God, my God, help me.”<sup>27</sup>

One of the prisoners, John Thomas, tried to reason with the mob telling them that none of the men had done anything. The response from the mob was “You niggers’ll swing! Every damn one of you!” The mob had been working on the neighboring cell of Elias Clayton, and a cheer arose when the cell door was forced open. Clayton was beaten severely and was forced to sit in his cell as McGhie was thrown in with him. White men stood guard outside the cell, and told the others there would be a trial in the cell. After a short while all six blacks were in the cell and the “trial” began. All of the blacks pleaded their innocence. The mob did not care. So they picked the two blacks closest to the door,

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<sup>26</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society 2000 (93-94)

<sup>27</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society (97)

Isaac McGhie and Elmer Jackson, and handed them off, beating them all the way outside of the station. The two blacks were dragged to the light pole on the corner of First Street and Second Avenue downtown. Albert Johnson, a mob member who traveled in Louis Dondino's truck, climbed the light pole and began to rope it up. As Isaac McGhie came closer to the light pole, Johnson suddenly felt sick. He realized he would be the man taking the lives of the black men.

Two priests had been called by sympathetic overseers, Father Maloney and Father Powers. Both men were well respected in the community and came out to the corner of First and Second to try to reason with the mob. Father Maloney yelled out, "This is terribly wrong boys. In the name of God, stop it. You will be sorry for this the rest of your lives." One man from the mob responded back, "Stay out of this, Father. This has nothing to do with God." Father Powers, seeing the mob placing the rope around McGhie's neck, climbed the pole to try to stop the lynching. He yelled over the crowd, "Men, you don't know this man is guilty. I know this crime is the most horrible one, but let the law take its course." The mob chanted back, "To hell with the law! Lynch him! Remember the girl!" Regardless of the priest's pleas, the noose was tightened and Isaac McGhie was hung.<sup>28</sup>

Elmer Jackson was hauled up to the pole. He looked up calmly at Isaac McGhie who was hanging before him, and threw out the dice in his pocket, saying, "I won't need these any more in this world." The noose was tightened around his neck, and as his body

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<sup>28</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society (105-107)

was pulled up, he went into dying convulsions, and the crowd went wild, cheering and whistling.<sup>29</sup>

Meanwhile, back in the cell, the remaining blacks were still being questioned. A third black was fed to the mob, nineteen-year-old Elias Clayton. He too was brought to the light pole on the corner of First and Second. As he got closer to the pole he saw the bodies of McGhie and Jackson and screamed, “Please, Oh God, don’t kill me! I am innocent!” The mob roared out “Lynch the third one!” Several men struck Clayton on his way to the pole. When he got there a knot was secured around his neck and he was hung. A man on top of the pole kicked his face as his body was twitching to its death. When that man came to the ground he was honored as a hero. The crowd shook his hand and patted him on the back, celebrating his violent act.<sup>30</sup>

Immediately following the lynching, people in the mob suggested that someone take a picture of the lynched blacks. Ralph Greenspun, a photographer from Superior, Wisconsin, took several photographs. A man yelled, “Send them pictures to Alabama, tell them to keep their niggers.”

Immediately following the lynching, the National Guard arrived, armed with rifles. They were instructed by Major Beecher to form a line around the police station, and, under no condition, let anyone in. Chief Murphy took the remaining prisoners to Superior where they would stay for the remainder of the night.

## **Chapter 5**

### **The Mob meets a Soft Law**

**June 17<sup>th</sup> 1920**

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<sup>29</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society (108)

<sup>30</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society (109-110)

Two days after the horrific lynchings on June 17<sup>th</sup> a Grand Jury was convened. District Court Judge William A. Cant presided over the trial. In his opening statements to the Grand Jury he said, “The most atrocious crime in all our history has been committed in the open defiance of authority, in disregard of law and attended by horrors such as will ineffaceably scar the minds and conscience of us all”.<sup>31</sup>

The trial lasted weeks and many men were brought before the jury. The jury had a difficult time deciphering the instigators of the lynchings. The Grand Jury issued thirty-seven indictments for the lynch mob. Twenty-five indictments were issued for rioting, and only twelve were issued for the crime of murder in the first degree.

Sadly only three men were found guilty. Louis Dondino, Carl Hammerberg, and Gilbert Stephenson were found guilty of rioting. They each served less than fifteen months in prison.

Even more tragic is the fact that not one man was ever convicted of murder. Justice for Elias Clayton, Isaac McGhie, and Elmer Jackson was never done. These men lay in graves in Duluth’s Park Hill Cemetery, while their perpetrators go largely unpunished.<sup>32</sup>

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<sup>31</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society (128-129)

<sup>32</sup> <http://collections.mnhs.org/duluthlynchings/html/legalproceedings.htm> Viewed online at: 10/01/2006

## Chapter 6

### Repercussions and the NAACP

This narrative has many repercussions that still echo in Minnesota today, as well as in the United States. The NAACP was just getting its start eleven years prior to the lynchings in Duluth. On February 12 of 1909, the National Association for the Advancement of Colored People was founded. It began in Baltimore, Maryland, and had a few regional offices. The only chapter of NAACP in Minnesota was in St. Paul. The president of the St. Paul chapter was Governor Joseph Burnquist. He had made the decision to send troops up to Duluth upon hearing of the lynching. It was his job to oversee and work on behalf of the African Americans in his community and state.

After hearing of lynchings in Duluth, the field secretary of NAACP in Minnesota, James Weldon Johnson sent a telegram to Governor Burnquist. The telegram was dated June 15, 1920, and it reported:

“The National Association for the Advancement of Colored People offers all possible assistance in apprehending murderers who battered down door of the jail at Duluth last night and lynched three Negroes accused of connections with attack on girl. Prompt apprehension and rigorous punishment of lynchers of Negroes and of the law of the state of Minnesota will have wholesome and salutary effect throughout the nation. As governor of the state and president of the St. Paul branch of the NAACP may we urge you use every power at your command to prevent further disorder and arrest the lynchers. Commend action in sending troops. Advise us if we can be of assistance. Can furnish investigator if needed.”

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The NAACP became very active in pursuing this case. In fact by September of 1920, a local branch of the NAACP was formed in Duluth. Many of blacks who did not leave the city joined to feel strong again. The blacks in Duluth had witnessed the power of the mob on June 15, 1920, and as result the black population in Duluth fell drastically.

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<sup>33</sup> Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society (115)

What once was a thriving community of blacks in west Duluth rapidly dwindled down to even more of a minority. According to the U.S. census, the city as a whole grew in the next ten years following 1920 by 2,000 people, but the black population dropped by 16 percent.

There was a huge migration out of Duluth and into St. Paul and Minneapolis. According to the U.S. census data, the Twin Cities' black population in Minnesota grew by roughly 2,000 between the years of 1920 and 1930.<sup>34</sup>

Regardless of the fear and movement of blacks, some did stay and became active members of the NAACP. Dr. W.E.B. Du Bois came to Duluth in September of 1920 to address a large audience, and to celebrate the opening of the new branch.

Across the nation the NAACP was taking big strides. Lynching was occurring across the nation and the NAACP responded by creating more local branches across the United States. In 1917 the "NAACP won a battle to enable African Americans to be commissioned as officers in World War I. Six hundred officers were commissioned, and 700,000 black men registered for the draft".<sup>35</sup> In 1918, in response to the lynchings, the NAACP successfully persuaded Woodrow Wilson to make a national public statement against lynching. By 1922 the NAACP was publishing ads in all major newspapers speaking against lynching. Much of these national actions were a result of lynchings that were happening similar to the Duluth lynching.

Progress remained but the NAACP still wanted more, in April of 1918 they teamed up with Dyer and Merrill Moores to introduce an anti-lynching bill that would

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<sup>34</sup> Viewed online at: <http://www.census.gov/population/documentation/twps0076/MNtab.xls> Viewed on 10/01/2006

<sup>35</sup> [http://en.wikipedia.org/wiki/NAACP#1909\\_to\\_1941](http://en.wikipedia.org/wiki/NAACP#1909_to_1941) Viewed online: 10/01/2006

allow for federal prosecution of mob members guilty of lynching. The proposal defined the mob as three or more persons acting without authority at law. The bill was designed to call upon the powers of the Fourteenth Amendment; the bill would “guard citizens of the United States against lynching”, and hold a state liable for not upholding the federal law.<sup>36</sup> The bill passed in the House of Representatives in 1922, but because of southern control in the Senate the bill did not pass.<sup>37</sup>

The bill was called the Dyer bill and the NAACP would use the features of this bill in every anti-lynching campaign they took across the nation. When the NAACP in Duluth campaigned with Nellie Francis, a black activist from St. Paul, a state-wide anti-lynching bill was signed into law April 21, 1921. In 1937 a new leader in the NAACP, Walter White, tried again to press for another federal anti-lynching bill. Representative Joseph Gavagan was designated to design the bill. The bill defined a lynch mob as "an assemblage composed of three or more persons acting [together] without authority of law, to kill or injure any person in the custody of any peace officer. . . . The Gavagan bill stated that any local or state officer who refused to protect an individual in custody or to prosecute lynch mob members would be guilty of a felony punishable by a fine up to \$5,000 and imprisonment up to five years. Any officer actually aiding a lynch mob would face a prison term of from five to 25 years. Finally, the bill made the county where a lynching took place liable for damages of \$2,000 to \$10,000 payable to an injured victim or, if killed, to his survivors. Missing from this bill, however, were any federal penalties

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<sup>36</sup> Zangrando, Robert. *The NAACP Crusade Against Lynching, 1909-1950*. Philadelphia: Temple University Press, 1980. (42-43)

<sup>37</sup> Zangrando, Robert. *The NAACP Crusade Against Lynching, 1909-1950*. Philadelphia: Temple University Press, 1980. (71-73)

for the lynchers themselves.”<sup>38</sup> The bill passed both in 1937 and 1940 but died in the senate due to filibusters. In 1949 a democratic senator from Minnesota, deeply impacted by the lynchings in Duluth, introduced a bill to make lynching against federal law; Hubert Humphrey’s bill also was never signed into law. Over two hundred anti-lynching bills have been introduced to congress. All were destroyed by the senate.

Despite action taken nationally and locally, a national anti-lynching bill was never passed.

Recently the nation has seen a more powerful reaction to hate crimes like lynching. Race, ethnicity, and religion motivate 88 percent of all hate crimes in America, according to research done by the Constitutional Rights Foundation. The Hate Crimes Sentencing Enhancement Act of 1994 increased penalties for hate crimes that were selected "because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person."<sup>39</sup> Also, in 1994, a Violence Against Women Act was passed. “The bill includes a new Federal civil remedy for victims of gender-based violent crimes. This provides them with the right to compensatory and punitive damage awards as well as injunctive relief.”<sup>40</sup>

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<sup>38</sup> [http://www.crf-usa.org/bria/bria10\\_3.html](http://www.crf-usa.org/bria/bria10_3.html) Viewed online at 10/12/2006

<sup>39</sup> [http://www.adl.org/issue\\_government/hate\\_crime\\_sentencing\\_act.asp](http://www.adl.org/issue_government/hate_crime_sentencing_act.asp) Viewed online at: 10/12/2006

<sup>40</sup> [http://www.crf-usa.org/bria/bria10\\_3.html](http://www.crf-usa.org/bria/bria10_3.html) Viewed online at 10/12/2006

## **Conclusion**

We need to understand that lynching is a hate crime that has happened throughout history, peaking in the 1920's and showing its ugly face in every state. It is not a problem unique to the south, Duluth had enough racist people to form a mob of 10,000 people. We need to understand that there is strong power that comes from fear, and the unknown. The power is so great that it can turn normal citizens into murderers. Remember that it was later found that Irene Tusken had not actually been raped. The mob killed three innocent men. The notion that the black man is not pure, and is naturally uncivilized, brought the people of Duluth to lynch three men in the middle of their town.

There is power in education, a power I believe strong enough to combat prejudice. Groups like the NAACP and other human rights activists seek to educate society on the differences and similarities of the people of this country. They seek equality and peace throughout. During the 1920's the NAACP reacted vigorously to the lynchings that were happening across the nation. They spread out, and created more local offices to meet the needs of black communities. They passed several state-wide anti-lynching bills in accordance with local government officials. They worked with politicians to try to bring an anti-lynching bill to federal law. The Duluth lynching spurred a great awakening with the NAACP, and motivated government officials across the nation to stop lynching.

The Duluth lynching, while a terrifying and painful story, is an important one. The justice that was denied in Duluth motivated the NAACP to become so active that by 1940, forty-one states had anti-lynching bills with strict penalties, including Minnesota.

It is sad that in order for legal action to be taken the nation must experience lynching over and over again.

A memorial now stands in Duluth of the three men who were lynched. The memorial was built directly across from the lynching site, on October 13<sup>th</sup>, 2003. The memorial not only helps the people of Duluth confront and remember their past, but also fights racism that still exists today in Minnesota. Henry Banks a current member of the Duluth community said to reporters, "If we fail to acknowledge this, if we fail to take ownership of it in our community, I believe that we are saying to a segment of our community, 'we don't care about you,'" Banks says. "But, if we acknowledge it, do something about it, reconcile from it, heal from it, we can all be better as a community."<sup>41</sup>

As an educator going into the field one of my goals is to combat prejudice and racism with education. If I am fortunate enough to teach in the Midwest, a field trip to this memorial will be apart of diversity education that I provide. I believe if we can start with students early, teaching them that differences are okay; and that everyone is human and should be treated based on their character not the color of their skin, the religion the practice, or anything else, then we are giving the future a fighting chance against prejudice beliefs that lead to stories like the Duluth Lynching.

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<sup>41</sup> [http://news.minnesota.publicradio.org/features/2003/06/09\\_kelleherb\\_memorialcasting/](http://news.minnesota.publicradio.org/features/2003/06/09_kelleherb_memorialcasting/) Viewed online at 11/17/2006

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