



MINNESOTA HISTORICAL SOCIETY  
Microfilm Publication

**DULUTH (MINNESOTA) LYNCHINGS OF 1920:  
SELECTED MATERIALS,  
1920-1925, [1939?], 1971, 1976**

An Inventory of the Selected Materials

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## GUIDE TO THE USE OF THE MICROFILM

As an aid to researchers, the inventory of the selected materials relating to the Duluth (Minnesota) lynchings of 1920 is filmed following this Guide on each microfilm roll. The inventory includes an overview of the materials included in the microfilm edition, a Description (pages 2-16) of the arrangement and contents of each of the collection's three sections, a Roll Contents List (pages 17-22) enumerating the contents of each microfilm roll, and an Appendix (pages 23-24) that consists of an annotated list of selected additional sources for research at the Minnesota Historical Society.

Introductory "flash" targets on the microfilm identify each unit of the collection and the materials it contains. A running target beneath each film frame gives the title and producer of the microfilm edition and the frame number. Targets generally identify defective items and materials filmed at reduction ratios other than the standard 14-to-1, as well as some enclosures.

While a majority of the original materials reproduced on the microfilm are generally legible and in good physical condition, some are not. Some materials are worn and dirty, and some text is incomplete due to tears or other damage. Some items exhibit faint, faded, smeared, or smudged pencil and ink; some are faint and/or "fuzzy" carbon copies; others are poor quality photocopies. In addition, the passage of time has caused some ink to bleed through the paper and the color of some paper to darken. These characteristics can result in poor contrast between the color of the text and the color of the paper, making legible photographic reproduction difficult. In an effort to enhance legibility on the microfilm, some pages are filmed more than once at different camera settings, with a target identifying the intentional duplicate exposure.

When citing materials from this microfilm, include the following information:

*[Indicate the cited item and/or series.] [Indicate the microfilm roll*

*and frame number(s).]* Duluth (Minnesota) Lynchings of 1920:

Selected Materials. Microfilm edition. Minnesota Historical Society.

## DESCRIPTION

### Introduction

This microfilm edition reproduces portions of selected record series of nine Minnesota government agencies and several additional items relating to the lynching of three African-American men (Elias Clayton, Elmer Jackson, and Isaac Maghie\*) by a mob of angry whites in Duluth, Saint Louis County, Minnesota, on the night of June 15, 1920; the alleged rape of a young white woman (Irene Tusken) by black circus workers on the previous evening, allegedly witnessed by her escort (James Sullivan), that precipitated the riot and the lynchings; the investigation of the incidents by various interested parties; the legal proceedings involving the African-American men indicted for the crime of rape and the white men indicted for the crimes of riot, instigating a riot, and murder in the first degree by a Saint Louis County District Court special grand jury; the conviction and incarceration in either the Minnesota State Reformatory for Men at St. Cloud or the Minnesota State Prison at Stillwater of Max Mason for the crime of rape, Gilbert Henry Stephenson for the crime of riot, and Carl John Alfred Hammerberg and Louis Dondino for the crime of instigating a riot; their subsequent attempts to secure a pardon and/or parole; and their release and discharge from the correctional facilities.

All but one item of the materials included in this microfilm edition were compiled from the collections of the Minnesota Historical Society. The government records are part of the Minnesota State Archives, whose collections are housed at the Society; an issue of *The Crisis* magazine, published by the National Association for the Advancement of Colored People (N.A.A.C.P.) is from a manuscript collection; and an annual report of the N.A.A.C.P. is part of the Society's serials collection. An issue of *The Duluth Rip-Saw* newspaper missing from the Society's microfilm copy of the paper was loaned for microfilming by the Northeast Minnesota Historical Center, Duluth, Minnesota.

The materials are organized on the microfilm and described below in three sections: "The Lynchings," "Legal Proceedings," and "Incarcerations." The manner in which the materials in each section are arranged is described in the introduction to the section.

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\*This surname is spelled "Maghie" in the government records that document the death. It is spelled "McGhie" or "McGhee" in contemporary Duluth, Saint Paul, and Minneapolis newspaper accounts of the lynchings.

## **The Lynchings**

The initial materials in this section consist of government records that document the deaths of the three African-American circus workers who were lynched and indicate the interest in the matter of Minnesota Governor J. A. A. Burnquist, who was also president of the Saint Paul, Minnesota, chapter of the N.A.A.C.P. and who compiled a file on the lynchings. These records are arranged first by government agency, within each agency by record series, and thereunder by document or case number. The records of each agency that document the deaths are identified by a separate set of chronologically assigned case numbers. The government records are followed by three contemporary publications: a single issue of a newspaper published in Duluth and two publications of the N.A.A.C.P.; they are in chronological order.

### **Saint Louis County (Minn.). Coroner. Coroner's Reports.**

#### **Coroner's Reports, Duluth District. [Nos. 59-61], June 15, 1920.**

Coroner's preliminary filled-in report forms for the three lynched men. Each report includes the person's name; date, place, and cause of death; whether an autopsy was performed and whether an inquest was held; place of burial and name of the undertaker; decedent's residence, age, sex, nationality (race), occupation, and physical characteristics.

- No. [59]: Elmer Jackson.
- No. [60]: Elias Clayton.
- No. [61]: Isaac Maghie.

#### **Coroner's Records, Duluth District. Volume A, October 1919 – October 1921. Case nos. 59-61, June 16, 1920.**

Official record of the coroner's reports on the three men who were lynched. In addition to the information given in the coroner's reports, the entries in the volume include the case number, date of entry, coroner's name, and remarks regarding the lynchings. The information entered on the forms in the volume is not always the same as that on the preliminary report forms.

- No. 59: Elmer Jackson.
- No. 60: Elias Clayton.
- No. 61: Isaac Maghie.

### **The Lynchings (cont.)**

#### **Minnesota. District Court (Saint Louis County). Coroner's Certificates.**

##### **Nos. 7429-7431, June 30, 1920.**

Certificates of examination for the three lynched men, filled out and forwarded to the district court by the county coroner. Each certificate gives the certificate number, names of the deceased person and the coroner, date the decedent's remains were examined, coroner's conclusion as to the cause of death and the circumstances under which it occurred, date of the certificate, and date it was filed at the court.

No. 7429: Isaac Maghie.

No. 7430: Elmer Jackson.

No. 7431: Elias Clayton.

#### **Minnesota. Department of Health. Death Certificates.**

##### **Nos. 26871-26873, [June 1920].**

Official State of Minnesota certificates of death for the lynched men, filled out and forwarded to the state Board of Health by the local vital statistics registrar (director of public health) for the City of Duluth. Each certificate gives the following information: certificate number; place of death (city and address); full name of the deceased; decedent's usual residence and length of residence where the death occurred, sex, color or race, marital status, (approximate) age, occupation, and employer; source of the information about the decedent; date and cause of death; name and address of the person submitting information on the death; place and date of burial; name and address of the undertaker; name of the local registrar; and date the certificate was received at the Health Department.

The decedent's date and place of birth and the parents' names and places of birth were listed as "unknown" on all three certificates in 1920. However, this information and the correct age at the time of death were supplied for Elmer Jackson by his father and added to the certificate at some later date.

No. 26871: Elmer Jackson.

No. 26872: Isaac Maghie.

No. 26873: Elias Clayton.

## The Lynchings (cont.)

### **Minnesota. Governor (1915-1921 : Burnquist). Records.**

#### **Subject Files (File 648c): Duluth Lynchings, 1920.**

This file contains the following materials:

- Photograph ([June 15, 1920]) of the lynchings, and the same photograph reproduced on a picture postcard ([undated]). These items originally may have been enclosed with the report of Minnesota Adjutant General W. F. Rhinow (see below).
- Correspondence (letters and telegrams) of Burnquist with African-American organizations in Minnesota and other states, including the N.A.A.C.P. (national headquarters and Saint Paul branch), Universal Negro Improvement Association and African Communities League, Vancouver Division, and Colored Republican Club of Weber County and State of Utah; with the American Civil Liberties Union; and with Minnesota residents and government officials.
- Report (June 28, 1920, filed as enclosure to letter dated July 3, 1920) (typescript, 5 pages) of interviews conducted by "Operative Morgan" in Duluth following the lynchings, submitted by the general manager of the Employer's Detective Service, which was engaged by the Saint Paul Branch of the N.A.A.C.P. to investigate the alleged rape.
- Memorial [ca. July 21, 1920] (mimeograph, with annotations) from the Colored Ministers of Minnesota on the lynchings and race relations.
- Report (August 5, 1920) of Minnesota Adjutant General W. F. Rhinow on his investigation of the lynchings, together with a transcript of interviews with witnesses to the events surrounding them.
- Statement (December 14, 1920) of the Saint Louis County attorney regarding the alleged rape and a summary of legal proceedings in the rape and lynching cases since the adjournment of the grand jury. This item apparently accompanied the grand jury report on the alleged rape, the riot, and the lynchings, which is not in the file.

The items in this file are arranged in basically chronological order. However, responses to letters generally are filed immediately following the letters to which they are a response, and enclosures generally are filed immediately following their covering letters.

### **The Lynchings (cont.)**

#### ***The Duluth Rip-Saw, June 26, 1920, pages 1-4.***

The issue's lead article, introduced by the headline "NEGROES DID NOT RAPE GIRL: Examination by Doctor Discredits Girl's Story," declares that the newspaper's investigation and analysis of the allegations forced it to conclude that the rape of Irene Tusken by six black men did not take place. After condemning the lynchings ("The whole miserable affair ... is a travesty on humanity, law, order, and justice.") the article goes on to review and comment on the allegations and evidence in the case.

The original newspaper is in the Northeast Minnesota Historical Center, Duluth, Minnesota.

#### **Burnquist, J. A. A. (Joseph Alfred Arner), 1879-1961.**

#### **J. A. A. Burnquist Papers, 1884-1961.**

#### **Correspondence and Miscellaneous Papers.**

#### ***The Crisis, Vol. 20, No. 4 (August 1920), cover and pages 179, 195 (photocopies).***

Brief report in the official publication of the N.A.A.C.P on the role of the organization's national office and Saint Paul and Minneapolis branches in calling for and conducting investigations into the lynchings and on some of their findings. Also, a news note under the heading "Crime" that gives the names, one of which is incorrect, of the three men who were lynched.

#### **National Association for the Advancement of Colored People.**

#### ***Eleventh Annual Report of the National Association for the Advancement of Colored People for the Year 1920: A Summary of Work and an Accounting, January 1921, cover and pages 21, 32-33 (photocopies).***

Summary reports on the involvement of the organization's Minnesota branches and national office in the Duluth rape and lynching cases, including the requests for and financing of investigations of the alleged rape, whose findings cast doubt on the veracity of the allegations and the guilt of those charged with the crime; the creation of and fund-raising for a legal defense fund and the hiring of defense attorneys; and the (unspecified) efforts that resulted in the arrest and indictment of members of the lynch mob.

### Legal Proceedings

The materials in this section are all government records, arranged by agency, within each agency by record series, and thereunder by case number or date. They document legal proceedings that were conducted in Saint Louis County District Court in connection with the lynchings, the riot, and the alleged rape and at the Minnesota Supreme Court, to which Max Mason, convicted of the crime of rape, unsuccessfully appealed the district court's denial of his motion for a new trial. They also document the participation in the Supreme Court case of the Minnesota Attorney General's Office, which presumably acted as legal counsel for the state.

Forty-four indictments originally were issued by the Saint Louis County District Court special grand jury: 12 for the crime of murder in the first degree, 25 for the crime of riot or instigating a riot, and seven for the crime of rape. Records for each case are identified in all district court record series by the same chronologically assigned case file number. The nature of the indictments and district court case numbers are summarized below:

<u>Indictment</u>	<u>Case Nos.</u>
Murder, First Degree	5675-5677, 5685-5687, 5689-5691, 5721, 5729, 5735
Riot or Instigating a Riot	5693-5696, 5704-5709, 5712-5714, 5718-5720, 5722-5728, 5730, 5734
Rape	5697-5703

Ten trials were held during the months of August, September, and November, 1920 — eight involving charges of riot or instigating a riot and two involving rape. Five trials resulted in acquittals; one trial ended in a hung jury; and four trials resulted in convictions. These results, by case number, defendant, and indictment, are shown below:

#### Acquittals

5697	William Miller	Rape
5707	John Burr	Riot
5708	Carl John Miller	Riot
5713	Leonard Gustav Hedman	Instigating a riot
5726	Byer (Pat) Olson	Riot

#### Hung Jury

5728	William Joseph Rozon	Riot
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### Legal Proceedings (cont.)

#### Convictions

5703	Max Mason	Rape
5719	Louis Dondino	Instigating a riot
5723	Carl John Alfred Hammerberg	Instigating a riot
5734	Gilbert Henry Stephenson	Riot

Charges were dismissed for lack of evidence against five defendants charged with rape. Charges were dismissed for various reasons in 29 cases involving indictments for murder in the first degree, riot, and instigating a riot.

The only copies of trial transcripts in the collections of the Minnesota State Archives are for the trials of the four defendants who were convicted and sentenced to serve terms at one of two Minnesota correctional facilities — the Minnesota State Reformatory for Men at St. Cloud and the Minnesota State Prison at Stillwater. Typescript copies of the transcripts were sent to these institutions by the Saint Louis County deputy clerk of district court to provide background information on the inmates. Since the transcripts are part of the reformatory and prison records, their respective case (file) numbers are different from those of the district court. The correctional facility case numbers and the district court case numbers to which they correspond are noted in the description of the transcripts, below. The transcripts have been placed in the Legal Proceedings section in order to facilitate research.

Records relating to Max Mason's appeal to the Minnesota Supreme Court in July 1921, and heard by the court in April 1922, are identified in that court's records as case number 22950. Documents relating to this case in the records of the Minnesota State Attorney General are numbered 172A.

#### **Minnesota. District Court (Saint Louis County).**

##### **Indictment Records.**

**Volume P [F?], January 1920 – September 1946.**

**Selected pages 43-88: Selected case nos. 5675-5735, June-August 1920.**

Record of the indictments issued by the grand jury and filed with the district court in cases involving the crimes of murder in the first degree, riot and instigating a riot, and rape, arranged in approximate numerical order by chronologically assigned case numbers. The filled-in form for each indictment gives the case (file) number, name(s) of the individual(s) indicted, description of the crime, names of witness examined before the grand jury, name of the jury foreman, and dates the indictment was issued and filed.

### **Legal Proceedings (cont.)**

#### **Indictment Records. (cont.)**

A target at the beginning of the volume on the microfilm lists the pages reproduced, the case numbers, and the indictments (crimes) in the order in which they appear on the film.

#### **Registers of Criminal Actions.**

**Volume 12, April 1919 – November 1921.**

**Photocopies of selected pages 220-280, page 512: Selected case nos. 5675-5735, no. 5965, June-September 1920 (entries: June 1920 – February 1923, August 1935).**

**Photocopies made from State Archives Microfilm SAM 224, roll 3.**

Case-by-case record, in numerical order by chronologically assigned case file number, of district court actions, filings, and court proceedings that occurred in each case involving the lynchings and related incidents. The entries for each case include the page and case numbers; name(s) of the defendant(s) and attorney(s); nature of the indictment (crime); and, in chronological order, date(s) and explanation of each action, filing, and court proceeding. Entries for August, 1935, which are present in a number of cases, are for orders to destroy case files and/or exhibits.

A target at the beginning of the volume on the microfilm lists the pages reproduced, the case numbers, and the indictments (crimes) in the order in which they appear on the film.

#### **Criminal Journals.**

**May 1918 – September 1920.**

**Selected pages 438-499, June-September 1920.**

**August 1920 – December 1921.**

**Selected pages 1-152, August 1920 – February 1921.**

**January 1922 – June 1924.**

**Page 262, December 28, 1922.**

Summary narrative record, in chronological order, of district court proceedings, largely regarding documents submitted, appearances before the court, trials conducted, and orders and judgments issued. The trial records generally include the names of jury members and witnesses.

A target at the beginning of the first and second volumes on the microfilm lists the pages reproduced, the dates of the proceedings, case numbers, and the indictments (crimes) in the order in which they appear on the film.

### **Legal Proceedings (cont.)**

#### **Criminal Calendars.**

**March 1918 – February 1923.**

**Selected case nos. 5697-5726, July 1920 – February 1921.**

Calendars, like the registers, are arranged by case number and provide a case-by-case record of actions filed, orders issued, and court proceedings. They are included in the microfilm edition because some contain information not found in the registers, as well as judges' handwritten notations. The calendars are incomplete; there are only twelve, but those for all seven cases involving the crime of rape (numbers 5697-5703) are present.

#### **Minnesota State Reformatory for Men [St. Cloud State Reformatory].**

##### **Inmate Case Files.**

**No. 5148 (Carl John Alfred Hammerberg):**

**Trial Transcript, June 1921.** (district court case no. 5723)

#### **Minnesota State Prison (Stillwater, Minn.) [Stillwater State Prison].**

##### **Transcripts of Trials of Inmates.**

**Case no. 6598 (Gilbert Henry Stephenson), February 1921.** (district court case no. 5734)

**Case no. 6614 (Louis Dondino), February 1921.** (district court case no. 5723)

**Case no. 6785 (Max Mason), August 1921.** (district court case no. 5723)

The trial transcripts are not a complete record of trial proceedings. Rather, they consist of synopses (sometimes lengthy) of witnesses' testimony, examination of the defendant prior to sentencing, and delivery of the sentence. The Hammerberg transcript also includes the trial judge's impressions of the defendant. The dates given for the transcripts indicate when they were filed at the district court, not the dates of the trials.

#### **Minnesota. Supreme Court.**

##### **Registers of Actions.**

**Volume X2, 1921-1922.**

**Case no. 22590 (State of Minnesota vs. Max Mason), 1921-1922.**

Chronological record of actions taken by the parties involved in Max Mason's appeal to the Minnesota Supreme Court. Entries on the form give the case number; date the notice of appeal was received by the court; date the case was scheduled to be heard; its number on the court calendar; names of the appellant, respondents, and attorneys; as well as the dates of and brief notations on all notices, petitions, briefs, and letters filed by the attorneys and received by the court and all orders, opinions, and judgments issued by the court. The items noted in the register are in the case file described below.

### **Legal Proceedings (cont.)**

#### **Judgment Books.**

##### **Volume N2, 1921-1922.**

##### **Page 588: Case no. 22590 (State of Minnesota vs. Max Mason), June 12, 1922.**

Record of the decision reached by the court in Mason's case affirming the decision of the Saint Louis County District Court. The document also includes the case number, names of the respondents and appellant, and date of the judgment.

#### **Case Files.**

##### **No. 22590 (State of Minnesota vs. Max Mason), 1921-1922.**

File containing items relating to Mason's appeal, arranged in chronological order: the notice of appeal that was filed in district court and forwarded to the Supreme Court; a motion and related documents regarding an extension of the date for filing the appellant's printed brief; the printed record of district court proceedings in Mason's case (indictment, selected witnesses testimony, trial judge's instructions to the jury, statement of the verdict, motion for a new trial and order denying the motion, judge's memorandum on the verdict, and notice of appeal); the appellant's printed brief; the printed brief and argument for the state; the Supreme Court opinion and syllabus (June 9, 1922) summarizing the issues in the case, stating the court's judgment, and giving the majority and dissenting opinions; and a copy of the judgment roll affirming the decision of the lower (district) court.

#### **Attorney General. Registers of Actions.**

##### **Register of Criminal Actions.**

##### **Case no. 172A (State of Minnesota vs. Max Mason), 1921-1922.**

Chronological record of actions taken by all parties involved in Max Mason's appeal to the Supreme Court, as recorded in the Office of the State Attorney General. The entries give the attorney general and

Supreme Court case numbers; names of the respondents and appellant and their respective counsels; crime of which Mason was convicted; and dates of and/or brief notations on the receipt and distribution by the Attorney General's Office of the district court trial record and the appellant and state briefs, the setting and resetting of the date for arguments to be heard by the Supreme Court, the judgment issued by the court, and the amount disbursed by the Attorney General's Office for the printing of briefs.

### **Incarcerations**

The four men convicted of the crimes of riot, instigating a riot, and rape were incarcerated at two Minnesota correctional facilities — one at the Minnesota State Reformatory for Men at St. Cloud (for youthful first-time offenders) and three at the Minnesota State Prison for Men at Stillwater. Carl John Alfred Hammerberg, convicted of instigating a riot and sentenced to serve 0-5 years, arrived at the reformatory in January 1921, was released on parole in June 1922, and was discharged from parole in July 1923. Gilbert Henry Stephenson, John Dondino, and Max Mason served their sentences at the prison. Stephenson, convicted of riot and sentenced to a term of 0-5 years, arrived in January 1921, was released on parole March 1922, and was discharged from parole in March 1923; Dondino, convicted of instigating a riot and sentenced to 0-5 years, arrived in February 1921, was released on parole in March 1922, and was discharged from parole in March 1923; Mason, convicted of rape and sentenced to serve 7-30 years, arrived in August 1921 and was discharged from the prison without having served parole in September 1925, with the stipulation that he return home to Alabama immediately and remain out of Minnesota until November 1941.

The government records that document these incarcerations, applications for parole and pardon, time on parole, and final discharges are arranged by agency — the reformatory, the prison, and the Minnesota Board of Pardons, to which Stephenson and Mason made applications while imprisoned. In order to facilitate research, the records of each agency are arranged first by inmate or applicant case number and thereunder by record series. In other words, all of an agency's records for a particular individual have been placed together. The reformatory and prison records — commitment papers, register sheets/history and record/statistical record, case files, and medical records/case files — are essentially the same, although their titles and the information they contain may vary slightly. All correctional records for each inmate are identified by the same inmate/case number that was chronologically assigned as the inmates were admitted to the facility, as follows:

<u>Inmate</u>	<u>Case No.</u>
Carl John Alfred Hammerberg	5148
Gilbert Henry Stephenson	6598
John Dondino	6614
Max Mason	6785

Minnesota Board of Pardons records for each applicant — application registers, calendars (minutes), and case files — are all identified by that agency's chronologically assigned application case (file) number: Stephenson's number is 5151; Mason's numbers (he made two applications) are 5702 and 6205. The board met quarterly (January, April, July, October); its decisions usually were issued during the month following a meeting. Stephenson's application

### **Incarcerations (cont.)**

was considered by the board in April 1921; it was denied. Mason's first application was heard in January 1923; it was denied. Mason's second application, initially considered in April 1924, was taken under advisement. It was heard again in October 1924; it, too, was denied.

Full citations to the records described below can be found in the Roll Contents List that begins on page 17.

#### **Minnesota State Reformatory for Men [St. Cloud State Reformatory].**

#### **Minnesota State Prison (Stillwater, Minn.) [Stillwater State Prison].**

##### **Commitment Papers.**

Files consisting of the legal document (warrant) committing the inmate to the correctional facility, accompanied by other legal and procedural documents. The latter may include copies of the grand jury indictment; minutes of the arraignment and the entering of a plea, delivery of the verdict, examination of the defendant prior to sentencing, sentencing, and commitment proceedings; and lists containing the names and residences of the presiding judge, prosecuting and defense attorneys, jurors, and witnesses. A cover sheet for each file, if present, gives the correctional facility case number, inmate's name, county of the court proceedings, crime, sentence, and date the inmate was received; it also may include notations relating to the length of the sentence and/or the statute governing it.

##### **Register Sheets/History and Record/Statistical Record.**

One- or two-page filled-in forms for each inmate, apparently begun at the time of admission to the correctional facility and containing descriptive and background data, including name and (case) number; crime; county where the trial occurred; sentence; dates of conviction and admission; physical and mental characteristics; habits; date and place of birth; education; religion; race, ethnicity, and citizenship status; occupation and employment; prior criminal history; and information about his family and acquaintances. Some forms also include space for subsequent entries by correctional personnel concerning the inmate's conduct, health, and visitors while incarcerated (these portions of the prison register sheets are not filled out, but the data is present in the prison case files and medical records described below); for pardon and parole applications, approvals, and denials; and for parole, pardon, and discharge dates.

The reformatory history and record volume also includes the following inserts: forms containing summary comments about Hammerberg taken from letters solicited by the reformatory, some of which are in the case file, as well as two newspaper clippings (January 1924) recounting the circumstances surrounding his death.

### **Incarcerations (cont.)**

#### **Case Files.**

Administrative forms, reports, correspondence, and related papers documenting the incarceration, parole, and discharge from parole or prison of inmates at the reformatory or prison. Each file's arrangement is basically chronological. However, responses generally are filed immediately following the letters to which they are a response, and enclosures generally are filed immediately following their covering letters.

Each case file generally begins with a file cover giving summary identification, parole, and discharge data; admittance documents reporting the results of various intake interviews and examinations; and a record of letters received and sent and a record of visits during the inmate's incarceration. The file also may include internal reports, memoranda, and case summaries regarding the inmate's family situation and reformatory or prison work assignments, conduct, health, and accidents; copies of trial documents, parole and pardon applications, notices of parole and pardon board decisions, and authorizing orders; the inmate's monthly parole reports detailing his activities; and the final discharge order.

Correspondence of correctional facility personnel with the inmate; his relatives and acquaintances, employers prior to the crime and during parole, parole officer, and attorney; and charitable organizations, the trial judge, county attorney, and state parole agent deals with the inmate's character, habits, and prior work history; work assignments, problems, concerns about his family, and pardon and/or parole applications while incarcerated; parole arrangements; employment, job performance, and other issues while on parole; and discharge from parole.

Several files also contain more recent correspondence with researchers seeking information on the former inmate. Hammerberg's reformatory file also contains a newspaper clipping (January 1924) about his death.

#### **Medical Record Sheets and Case Files.**

Documentation of each inmate's physical and mental condition upon entering the correctional facility and his medical history during incarceration. A filled-in form initiated when the inmate entered the correctional facility gives some or all of the following information: name (and aliases) and case number, date received, age, race, crime and length of sentence, residence, education, and former occupation; results of the intake physical examination and mental evaluation and the date performed; prior medical history (physical and mental) of the inmate and his family; inmate's nationality, date and place of birth, length of residence in Minnesota and the United States, and marital status; and parents' names, places of birth, and causes of their deaths (if deceased).

## **Incarcerations (cont.)**

### **Medical Record Sheets and Case Files. (cont.)**

Brief chronological entries for subsequent medical treatment and care, which are included on the reformatory's initial intake form but are recorded on a separate prison form, document illnesses and accidents (dates seen by a physician, diagnoses, treatments and/or medications prescribed). The reformatory intake form includes brief periodic assessments of the inmate's physical and mental status; the prison intake form may note the inmate's physical and mental condition at discharge; both forms give the date of discharge.

The inmate's medical file also may contain notices of his arrival, parole, and discharge, as well as letters to the warden from the reformatory or prison physician regarding the status of the inmate's health.

### **Minnesota. Board of Pardons.**

#### **Pardon Application Registers.**

Filled-in forms recording each application for a pardon (or commutation of sentence) submitted to the Minnesota Board of Pardons by inmates of Minnesota correctional institutions. Each form gives the application (case) number; applicant's name; date the application was filed; where (the court) and when convicted; crime; where imprisoned; length of sentence; date(s) the application was considered by the board; and the result(s) (granted, taken under advisement, denied), together with the date(s).

#### **Pardon Calendars [Minutes].**

Summary typewritten minutes (titled "calendars" by the board) of the consideration and disposition of individual pardon applications by the Board of Pardons at its quarterly meetings. The calendar for each application generally includes the application (case) number; applicant's name, age, and crime; where and when convicted and the sentence imposed; applicant's reasons for the request, status and conduct in prison, parole applications and results, prior convictions and incarcerations, and family situation; brief statements, opinions, and/or recommendations (sometimes solicited by the board and excerpted from letters present in the pardon applications/case files described below) of interested parties, including the trial judge and prosecuting attorney, county and municipal officials, and the state parole agent; on the circumstances of the crime and/or the merit of the application; summary characterizations of or references to statements and documents too lengthy or too numerous to be reproduced in the calendar; and a handwritten notation of the board's decision.

### **Incarcerations (cont.)**

#### **Pardon Applications.**

Case files containing each applicant's filled-in application form or letter formally requesting a pardon (or commutation of sentence); letters (sometimes duplicate mimeograph copies of the same letter) and/or affidavits expressing support of and/or opposition to the application and recommendations of the trial judge and attorneys, county and municipal officials, corrections and parole personnel, and others knowledgeable about the case; and, in some instances, synopses of trial testimony and evidence, other background items, additional documentation, and/or other relevant papers. The letters and other papers in the file, which follow the formal application, are arranged in basically chronological order. However, responses to letters generally are filed immediately following the letters to which they are a response, and enclosures generally are filed immediately follow their covering letters.

The application form gives the inmate's full name, correctional facility case number, age, aliases, birthplace, prior convictions and incarcerations, occupation(s) and residence(s) for the five years preceding conviction; parents' names and nationality/race; trial data (date of conviction, court, crime, sentence, names of the trial judge and prosecuting attorney); a succinct statement of trial evidence (or an attachment containing a lengthier synopsis of testimony and/or evidence); and the grounds on which the pardon is being sought.

## ROLL CONTENTS LIST

### Roll 1: The Lynchings

#### **Saint Louis County (Minn.). Coroner.**

Coroner's Records.

Coroner's Reports, Duluth District.

Nos. [59-61] (Elmer Jackson, Elias Clayton, Isaac Maghie\*), June 15, 1920.

Coroner's Records, Duluth District.

Volume A, October 1919 – October 1921.

Case nos. 59-61 (Elmer Jackson, Elias Clayton, Isaac Maghie), June 16, 1920.

#### **Minnesota. District Court (Saint Louis County).**

Coroner's Certificates.

Nos. 7429-7431 (Isaac Maghie, Elmer Jackson, Elias Clayton), June 30, 1920.

#### **Minnesota. Department of Health.**

Death Certificates.

Nos. 26871-26873 (Elmer Jackson, Isaac Maghie, Elias Clayton), [June 1920].

#### **Minnesota. Governor (1915-1921 : Burnquist).**

Records.

Subject Files (File 648c): Duluth Lynching, 1920.

#### ***The Duluth Rip-Saw, June 26, 1920, pages 1-4.***

Original is in the Northeast Minnesota Historical Center, Duluth, Minnesota.

#### **Burnquist, J. A. A. (Joseph Alfred Arner), 1879-1961.**

#### **J. A. A. Burnquist Papers, 1884-1961.**

Correspondence and Miscellaneous Papers.

*The Crisis*, Vol. 20, No. 4 (August 1920), cover and pages 179, 195 (photocopies).

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\*This surname is spelled "Maghie" in the government records that document the death. It is spelled "McGhie" or "McGhee" in contemporary Duluth, Saint Paul, and Minneapolis newspaper accounts of the lynchings.

**Roll 1: The Lynchings**  
**(cont.)**

**National Association for the Advancement of Colored People.**

*Eleventh Annual Report of the National Association for the Advancement of Colored People for the Year 1920: A Summary of Work and an Accounting*, January 1921, cover and pages 21, 32-33 (photocopies).

**Roll 1: Legal Proceedings**

**Minnesota. District Court (Saint Louis County).**

Indictment Records.

Volume P [F?], January 1920 – September 1946.

Selected pages 43-88: Selected case nos. 5675-5735, June-August 1920.

Registers of Criminal Actions.

Volume 12, April 1919 – November 1921.

Photocopies of selected pages 220-280, page 512: Selected case nos. 5675-5735, no. 5965, June-September 1920 (entries: June 1920 – February 1923, August 1935).

Photocopies made from State Archives Microfilm SAM 224, roll 3.

Criminal Journals.

May 1918 – September 1920.

Selected pages 438-499, June-September 1920.

August 1920 – December 1921.

Selected pages 1-152, August 1920 – February 1921.

January 1922 – June 1924.

Page 262, December 28, 1922.

Criminal Calendars.

March 1918 – February 1923.

Selected case nos. 5697-5726, July 1920 – February 1921.

**Minnesota State Reformatory for Men [St. Cloud State Reformatory].**

Inmate Case Files.

No. 5148 (Carl John Alfred Hammerberg):

Trial Transcript, June 1921.

District Court (Saint Louis County) case no. 5723.

**Roll 1: Legal Proceedings**  
**(cont.)**

**Minnesota State Prison (Stillwater, Minn.) [Stillwater State Prison].**

Transcripts of Trials of Inmates.

Case no. 6598 (Gilbert Henry Stephenson), February 1921.

District Court (Saint Louis County) case no. 5734.

**Roll 2: Legal Proceedings**

Case no. 6614 (Louis Dondino), February 1921.

District Court (Saint Louis County) case no. 5719.

Case no. 6785 (Max Mason), August 1921.

District Court (Saint Louis County) case no. 5703.

**Minnesota. Supreme Court.**

Registers of Actions.

Volume X2, 1921-1922.

Case no. 22590 (State of Minnesota vs. Max Mason), 1921-1922.

Judgment Books.

Volume N2, 1921-1922.

Page 588: Case no. 22590 (State of Minnesota vs. Max Mason), June 12, 1922.

Case Files.

No. 22590 (State of Minnesota vs. Max Mason), 1921-1922.

**Minnesota. Attorney General.**

Registers of Actions.

Register of Criminal Actions, 1919-1924.

Case no. 172A (State of Minnesota vs. Max Mason), 1921-1922.

**Roll 2: Incarcerations**

**Minnesota State Reformatory for Men [St. Cloud State Reformatory].**

Carl John Alfred Hammerberg: Case No. 5148.

Inmate Case Files.

No. 5148: Commitment Papers, January 1921.

**Roll 2: Incarcerations**  
**(cont.)**

**Minnesota State Reformatory for Men [St. Cloud State Reformatory]. (cont.)**

Carl John Alfred Hammerberg: Case No. 5148. (cont.)

Inmate History and Record.

Volume 16, July 1920 – April 1921.

Case no. 5148, 1921-1924 (entries).

Inmate Registers.

Volume H, December 1920 – December 1923.

[Index], January 1921; "Statistical Record," page 30: case no. 5148,  
1921-1923.

Inmate Case Files.

No. 5148: Correspondence and Other Papers, 1921-1924, 1971, 1976.

**Roll 3: Incarcerations**

Medical Office. Inmate Medical Records.

Inmate Medical Record Sheets, August 1920 – December 1921.

Case no. 5148, 1921-1922 (entries).

**Minnesota State Prison (Stillwater, Minn.) [Stillwater State Prison].**

Gilbert Henry Stephenson: Case No. 6598.

Commitment Papers.

Case no. 6598, January 1921.

Inmate Registers.

Inmate Register Sheets.

April 1920 – January 1922.

Case no. 6598, 1921-1923 (entries).

[Statistical Record.]

Volume J, January 1918 – January 1921.

Page 857: Case no. 6598, 1921-1923 (entries).

Copy kept by the Minnesota Public Welfare Department: Public  
Institutions Division.

Case Files (Discharged Inmate Files).

No. 6598, 1921-1923, 1971.

**Roll 3: Incarcerations**  
**(cont.)**

**Minnesota State Prison (Stillwater, Minn.) [Stillwater State Prison]. (cont.)**

Gilbert Henry Stephenson: Case No. 6598. (cont.)

Inmate Medical Case Files.  
No. 6598, 1921-1923.

Louis Dondino: Case No. 6614.

Commitment Papers.  
Case no. 6614, February 1921.

Inmate Registers.  
Inmate Register Sheets.  
April 1920 – January 1922.  
Case no. 6614, 1921-1923 (entries).

[Statistical Record.]  
Volume K, January 1921 – October 1922.  
Page 14: Case no. 6614, 1921-1923 (entries).  
Copy kept by the Minnesota Public Welfare Department: Public  
Institutions Division.

Case Files (Discharged Inmate Files).  
No. 6614, 1921-1923.

Inmate Medical Case Files.  
No. 6614, 1921-1923.

Max Mason: Case No. 6785.

Commitment Papers.  
Case no. 6785, August 1921.

Inmate Registers.  
Inmate Register Sheets.  
April 1920 – January 1922.  
Case no. 6785, 1921, 1925 (entries).

[Statistical Record.]  
Volume K, January 1921 – October 1922.  
Page 185: Case no. 6785, 1921-1925 (entries).  
Copy kept by the Minnesota Public Welfare Department: Public  
Institutions Division.

**Roll 3: Incarcerations**  
**(cont.)**

**Minnesota State Prison (Stillwater, Minn.) [Stillwater State Prison]. (cont.)**

Max Mason: Case No. 6785. (cont.)

Case Files (Discharged Inmate Files).

No. 6785, 1921-1925, [1939?], 1971.

Inmate Medical Case Files.

No. 6785, 1921-1925.

**Minnesota. Board of Pardons.**

Gilbert Henry Stephenson: Application No. 5151.

Pardon Application Registers.

Volume 6, October 1919 – January 1924.

Application No. 5151, 1921.

Pardon Calendars [Minutes].

1921.

Application no. 5151, July 1921, page 44.

Pardon Applications.

File no. 5151, 1921.

Max Mason: Application Nos. 5702, 6205.

Pardon Application Registers.

Volume 6, October 1919 – January 1924.

Application no. 5702, 1922-1923.

Volume 7, January 1924 – May 1931.

Page 44: Application no. 6205 (5702), 1924.

Pardon Calendars [Minutes].

1923.

Application no. 5702, January 1923, page 4.

1924.

Application no. 6205 (5702): April 1924, page 118; July 1924, page 7;

October 1924, page 13.

Pardon Applications.

File nos. 5702 and 6205 (5702), 1922-1924.

**APPENDIX:**  
**SELECTED ADDITIONAL RESOURCES**  
**AT THE MINNESOTA HISTORICAL SOCIETY**

**Organizational Records (on microfilm)**

National Association for the Advancement of Colored People. Subject File:  
Lynching–Duluth, Minn., 1920-1921. 1 partial microfilm reel.

A file from the records of the NAACP's national headquarters that includes correspondence, investigative reports, press releases, newspaper clippings, and pamphlets relating to the Duluth lynchings and their aftermath. This material is part of *Papers of the NAACP*, a microfilm publication issued by University Publications of America as part of its Black Studies Research Sources series. A more complete electronic description of the subject file may be found at <http://www.pals.msus.edu/cgi-bin/pals-cgi?set%20web%20mhscat/oc%20900323384>.

**Newspapers (on microfilm)**

*Appeal*

An African-American newspaper published in Saint Paul.

*Duluth Herald.*

*Duluth News Tribune.*

*[Duluth Rip-Saw]*

Issues for April 3, 1920 – May 26, 1923 are missing on the microfilm. The issue for June 26, 1920 is included in the Duluth lynchings microfilm edition.

*Ely Miner.*

*Labor World.*

Published in Duluth.

*Mankato Daily Free Press.*

*Minneapolis Journal.*

*Minneapolis Morning Tribune.*

*Saint Paul Dispatch.*

*St. Paul Daily News.*

*St. Paul Pioneer Press.*

## **Books**

Fedo, Michael. *The Lynchings in Duluth*. St. Paul: Minnesota Historical Society Press, 2000.

A reprint of "*Trial by Mob*," with a new introduction.

\_\_\_\_\_. *Trial by Mob*. Duluth, Minn.: Theatre in the State, Inc., 1993.

A slightly altered reprint of "*They Was Just Niggers*."

\_\_\_\_\_. "*They Was Just Niggers*". Ontario, Calif.: Brasch and Brasch, 1979.

Fedo's initial book.

*Mob Violence*. Duluth, Minn.: Duluth Publishing Company, 1920.

A photographic review and description of the lynchings.

Wilkins, Roy. *Standing Fast: The Autobiography of Roy Wilkins*. New York: Viking Press 1982.

Wilkins recalls the lynchings and the effect they had on him (pp. 41-44).

## **Articles**

"Duluth Apologizes After 71 Years," *Crisis* 99:1 (January 1992), pp. 21-23.

Hoffbeck, Steven R. "Victories Yet to Win: Charles W. Scrutchin, Bemidji's Black Activist Attorney," *Minnesota History* 55:2 (Summer 1996), pp. 59-75.

Scrutchin successfully defended William Miller, who was indicted for rape, tried, and acquitted.

## **Manuscript Collection**

Fedo, Michael W. Duluth Lynchings Book Files, 1978-1979. 4 folders.

Typescript final draft of his 1979 book, a folder of typed background notes, and a folder of book reviews and related correspondence, newspaper articles regarding the book, and publicity and marketing correspondence. The notes are from some of the sources included in this microfilm edition, from newspapers, and from his interviews with witnesses. Also present is the text of a speech by Fedo in which he discusses the book and his decision to write it.