

## Racism's Awful Weapon: Lynching in America

By Brittany Pacheco-Ivanson

“I will tell you it is growing and that this terrible thing has risen from the ashes of slavery... It is because, after all, there are thousands of people in this country who do not look upon the colored man as a man, but as an animal, and when our people refuse to believe that the black man is a man, lynching is as inevitable as the shooting of a dog running terrified through the streets when the cry of ‘mad dog’ is raised in the air.”

- Reverend John Haynes Holmes, from “Mob Murder Must Stop,” *Chicago*

*Defender*, December 9, 1911.

The life and accomplishments of John Hope Franklin stand as an inspiration not only to aspiring historians, but to all who have faced the cruelties of racism and intolerance. His passion for learning, teaching and improving the perception of race in the United States shines through his writings and lectures. His determination to succeed despite the demeaning and sometimes dangerous challenges in his way has made him incredibly important to me. Beyond his impact on my personal life, I believe that John Hope Franklin is one of the most important modern historians of the United States. His thorough research, intelligent analysis and honest representation of the facts have helped transform the way American history is viewed today.

Franklin is the perfect image of the American Dream. He spent his early years living in poor, segregated communities in Oklahoma with his parents and three siblings. Education became an essential part of his life as a toddler because his mother, a schoolteacher, was forced to bring him into class with her in lieu of daycare services. At home and at work, his father read every day and held learning in high regard. Growing up in this environment, Franklin prospered intellectually and "...well before the age of five...could read and write."<sup>1</sup> At the age of 11, he entered the seventh grade class of Booker T. Washington High School. After engaging in as many additional academic and social activities as possible, Franklin was elected class president in his senior year. More than 70 years later, when writing his autobiography, *Mirror to America*, one can see the beginning of a lifelong trend of impressive and successful multitasking in the way he describes his election: "...the very things that had led to my election—my numerous extracurricular activities, friendships with most of my small class, and consistently high grades—would be further crowded by my new post as president."<sup>2</sup>

John Hope Franklin entered Fisk University in 1931 at the age of 16. As he had had to do during his high school education, Franklin found work on campus to support himself. It was at Fisk that he met his future wife, Aurelia and his academic mentor, Professor Theodore S. Currier. He maintained the same dedication to his grades, friendships and extracurricular activities as he had previously, though now it took on a more serious note. His passion for history was born and only gained momentum when he graduated from Fisk in 1935. His acceptance to Harvard to pursue his graduate studies was bittersweet, as he had no way of paying the tuition. Currier, whose faith in Franklin was limitless, loaned him the money. This was tremendously important to Franklin and served as a significant motivation to him in his later studies.<sup>3</sup>

After receiving his MA from Harvard at the end of his first year there, Franklin "...decided to leave the university for a year in order to earn money with which to repay Ted Currier's loan."<sup>4</sup> He was hired to teach history at St. Augustine's College in Raleigh, North Carolina and worked hard on his dissertation while there. He was very excited to have the opportunity to teach firsthand as well as focus on his own research. He finally graduated with his PhD over the summer of 1941, surprisingly to the agitation of the president of St. Augustine's, Rev. Edgar H. Gould.<sup>5</sup>

After another insulting conversation with Gould, this time being informed that "...a stint in the armed services would be good for [him],"<sup>6</sup> Franklin accepted employment at the North Carolina College for Negroes. His career expanded before him as he traveled around the country, teaching a semester here or there during the summer and spending the fall and spring in a number of schools, including some of the most prestigious center of higher learning in the nation. He went abroad to share his

knowledge with students across the globe. Franklin did not limit himself to the classroom, though. He was widely published in academic journals and books alike. He applied his talents to the public arena, most notably in his work on *Brown v. the Topeka Board of Education* and President Clinton's Initiative on Race. He also joined innumerable academic and social organizations and engaged in lecture series throughout the United States and other nations. John Hope Franklin truly became one of the most famous, outstanding and sought after historians of his lifetime.<sup>7</sup>

I have felt privileged to spend a semester studying Franklin's work and personal experiences. *Mirror to America* evokes strong emotions as one considers his remarkable resolve to succeed in a nation where African Americans were kept down through segregation, intimidation and violence. I was particularly struck by Franklin's encounters with lynching during his time at Fisk University. In December, 1933, a young man from Nashville named Cordie Cheek was falsely accused of raping a young white girl while working in Maury County, Tennessee. The courts had actually, "...refused to indict him based on flimsy evidence, and he was set free."<sup>8</sup> He moved to Nashville following this event and was soon assaulted very near the Fisk campus. He was returned to the county in which the fictional crime had occurred and torturously beaten, abused and lynched. Franklin recalled that "the entire remainder of our junior year was shadowed by this tragic event."<sup>9</sup>

The issue of lynching became even more personal to Franklin in the months that followed. During the summer of 1934, he was employed by Fisk University's Dr. Charles S. Johnson to help in researching the living conditions of Southern black farmers for the professor's upcoming book. Franklin's main task was to assist Giles Hubert, an

agricultural economist, in traveling through Mississippi and Texas, collecting interviews with individuals and compiling that information into reports to be presented to Dr. Johnson. Their stay in Macon, Mississippi ended quickly after a frightening confrontation with a group of white men in which Franklin's life was threatened with possible lynching. This threat was made simply because Franklin and Hubert had asked local black farmers questions about their socioeconomic positions.<sup>10</sup>

These events, particularly the lynching of Cordie Cheek, had an enormous impact on Franklin and his peers at Fisk University. They were stirred to action the following year when it was announced that President Franklin D. Roosevelt would visit Fisk. Franklin, as an important student leader, helped organize and circulate a petition which called on the president to bring justice to Cordie Cheek and support the efforts to pass anti-lynching legislation. Though he was never able to present this petition due to interference from the president of Fisk, it is obvious that this was an immensely important time in his life.<sup>11</sup>

After careful consideration of a number of interesting topics, I have come to the conclusion that Franklin's discussion of lynching had effected me the most and as such would be the best research topic for me to pursue. I believe the stories of countless lynching victims have been unnecessarily hidden away in American history, largely left out of survey courses to avoid offending anyone or casting the United States in a negative light. In my experience, as with so many other controversial issues in the history of my nation, I was not made to confront the issue of lynching until college. The material has been emotionally challenging and often times infuriating, but I have recognized throughout how immensely important it is to understand how relations between the races

changed and developed over time. One cannot gain this understanding without confronting the harsh realities of American history.

I would like to begin this paper by offering examples of how lynching was seen and understood by many white Americans during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. Stereotypes, paranoia, myths and lies permeated the discussion of this violent crime. Although there were many whites who disapproved of lynching, they criticized it more for trampling on the laws of our nation rather than on the rights of its citizens. For some of these people, it was believed that the only way lynching would end was if the African American population stopped fighting it and instead worked to correct the problems which prompted whites to lynch them.<sup>12</sup> To the modern reader, these assertions are quite disturbing.

After establishing how lynching was viewed by some members of the American population, I will spend some time focusing on a single incident of lynching. This particular crime unfolded during 1920, a year in which more than 65 individuals were brutally murdered.<sup>13</sup> I have decided to examine a case of lynching in a Midwestern state rather than a Southern state in order to remind the readers that this was in fact a national problem and not a regional problem, as it may sometimes appear from the way in which the topic is handled. It offers a disturbing window into the reality of 20<sup>th</sup> century America, where paranoia and violence could seize a normally law-abiding community and transform it into a menacing mob.

I will also explore some legislative efforts that were made to bring an end to the epidemic of lynching, with particular attention paid to the Dyer Bill. The main purpose of anti-lynching legislation was to reinforce the responsibility of law enforcement officers in

protecting those in their custody, preventing neglect and compliance with mobs and prosecuting those involved in lynchings or who allowed them to take place.<sup>14</sup> Although these laws were designed simply to protect American citizens and bring lawless mob violence to an end, they stirred up considerable debate among the people and their politicians. There were some people in the United States who felt it was not the job of the federal government to interfere with individual states on this issue.

Although lynching is not the pressing social problem it once was, it still lingers as a symbol of violence and oppression. Racism has not disappeared from American soil simply because the Civil Rights Movement ended and race relations have improved from their once deadly levels. When one takes an honest look at American society, inequality is easy to spot. To conclude my paper, I will look into positive and negative examples related to lynching in the modern nation. This section will include new legislative efforts to eradicate hate crimes and face the shame of lynching in our past as well as acknowledging the first anti-lynching memorial in the country. On a more negative note, I will also examine the disturbing 1998 murder of James Byrd Jr., and the unfortunate confrontation of 2006 in Jena, Louisiana, in which three nooses played an essential part in prompting racially charged violence.<sup>15</sup> These events allow our nation to see clearly a continuing element of intimidation, unfair indictments of African Americans and the callous disregard among whites for such an evil symbol as a noose.

### **White Perceptions**

The United States has had a long, complex and tragic history with race relations. The racial hierarchy was imbedded in our culture before independence from Britain and only continued to develop and harden over time. Even though the end of the Civil War

brought freedom to the African American men, women and children who had been held in bondage, nothing significant was done to improve their living conditions or their position in society. As these individuals sought to secure their rights as American citizens, the white population retaliated in an especially cruel way. In his 1904 essay, “The Lynching of Negroes: Its Cause and Its Prevention,” Thomas Nelson Page pointed out that, “During the whole period of slavery, [racially incited lynching] did not exist, nor did it exist to any considerable extent for some years after Emancipation.”<sup>16</sup> On another page, the author went on to insist, “...it may be properly inferred that the absence of this crime during the period of Slavery was due more to the feeling among the negroes themselves than to any repressive measures on the part of the whites.”<sup>17</sup>

In keeping with generally accepted stereotypes of the time, Page argued that the primary force behind lynching was the “ravishing” of white women and the desire to see punishment meted out more quickly and completely than could be done by the justice system. Although he included statistics which disproved the theory of rape and he himself acknowledged that it was not the highest ranking reason people were lynched, he persisted to make the claim throughout his entire essay. I was deeply disturbed by another discrepancy between Page’s words and his data. In discussing the reasons why he felt lynch mobs disregarded the justice system, Page stated, “Another evil was the dreadful necessity of calling on the innocent victim, who, if she survived, as she rarely did, was already bowed to the earth by shame, to relate in public the story of the assault—an ordeal which was worse than death.”<sup>18</sup> A few pages before this comment, one can clearly see that between 1900 and 1903, only one incident of lynching due to rape and murder is noted.<sup>19</sup>



In response to the Duluth lynchings of 1920, the *Mankato Daily Free Press* continued in the same vein as Page's essay and reinforced the stereotype of rape. It admonished the people of Duluth for their sympathy toward the three murdered men and insisted that they should redirect their compassion to the alleged victim. The paper used fiery, racist language to describe the young men and even went so far as to compare them to beasts. In what can only be interpreted as a defense of the lynchers, the article stated, "...it must be understood that white men—men of blood—will not sit idly by when black rascals pounce like fiends on white women... The law gives them by far too much of an advantage. Their victims are humiliated in the courts and... by the conscienceless lawyers who have no hearts and know no pity.”<sup>20</sup>

Thomas Nelson Page not only worked to perpetuate the stereotype of black men as frightening, animalistic rapists of white women, but went further to connect the emergence of this violence to talk of equality following the dissolution of slavery. He informed his readers that the crime of black men “ravishing” white women had not been an issue until people began to promote equality between the races. Page commented, “...to the ignorant and brutal young negro, [equality] signifies but one thing: the opportunity to enjoy, equally with white men, the privilege of cohabiting with white women.”<sup>21</sup> It is incredible to the modern observer to think that educated white men could really believe statements such as this. That any man, regardless of race, would understand equality not in terms of civil rights or social and economic position, but rather only in terms of sexually possessing a white woman, is outlandish.<sup>22</sup> White Americans truly went to absurd lengths to make themselves feel better about the ways in which they treated those who they believed to be their inferiors.

Just like the *Mankato Daily Free Press*, Page was quite clear in his opinion that white men only lynched black men who were guilty of a crime. He also pointed out that the crime of lynching was not so egregious because it resulted in the lawless murders of African Americans, but because it went against all the laws we as Americans should hold dear. The passage included below illustrates this point:

The charge that is often made, that the innocent are sometimes lynched, has little foundation. The rage of a mob is not directed against the innocent, but against the guilty; and its fury would not be satisfied with any other sacrifice than the death of the real criminal. Nor does the criminal merit any consideration, however terrible the punishment. The real injury is to the perpetrators of the crime of destroying the law, and to the community in which the law is slain.<sup>23</sup>

Page and others recognized that lynching was a serious problem in the United States and consequently offered some suggestions to bring an end to the violence. Unfortunately, since federal intervention through comprehensive legislation was not one of the options presented, there was no chance for a successful change. Instead, Page believed that the only way to solve the problem was for the African American community to stop viewing the lynched as innocent victims and start moving to eradicate rape from their population. He claimed that it only served as a detriment to their race to insist on identifying with those who were murdered by mobs. Since he did not feel that innocent people were lynched, he could not have understood that African Americans saw lynching as an attack against their entire race, a way in which the white race could maintain its rule without slavery.<sup>24</sup>

Similarly, in his book *From Slavery to Freedom*, John Hope Franklin explained that although muckrakers of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries are usually known for their dramatic exposure of unseemly social issues, their treatment of African American

troubles took a different course. He points to the case of Ray Stannard Baker, whose book, *Following the Color Line*, argued not for progressive legislation to end lynchings and bring peace between the races, but instead that “time, patience, and education were the only solutions to the Negro problem.”<sup>25</sup>

### **A Midwestern Tragedy**

It is easy for one to generalize and consider lynching an issue in late 19<sup>th</sup> and early 20<sup>th</sup> century Southern states. The statistics I have encountered in my research do, in fact, contribute the majority of such crimes to these areas. Though this is true, one must not forget that Northern and Midwestern towns and cities were not free from the mark of racial intolerance and violent reactions. John Hope Franklin pointed out in his definitive history of African Americans, *From Slavery to Freedom: A History of Negro Americans*, that, “the South was far ahead of the rest of the country, but several Northern states, notably those in the Midwest, adhered to this ancient barbaric ritual of total disregard for the law.”<sup>26</sup> Duluth, Minnesota, was confronted with its own ugly incident of lynch mob violence when an estimated 5,000 people broke into the jail on June 15, 1920 to hang three men who were later widely known to be innocent.<sup>27</sup>

The residents of Duluth enjoyed a day of fun and excitement at the John Robinson’s Circus on June 14. The traveling show packed up after one day and started off to its next destination, Virginia, Minnesota. Before the train could leave West Duluth in the early hours of June 15, it was stopped by Chief of Police John Murphy and a posse of men. Chief Murphy was responding to an accusation of the rape of a white girl, Irene Tusken. He had been informed of this crime after receiving an urgent phone call from the fathers of Miss Tusken and her acquaintance that evening. The Chief of Police went

down to the Duluth, Missabe & Northern Ore Docks to interview the night watchmen, who was working overnight with his son. He was told that the girl was assaulted by six black men from the traveling circus at the local circus grounds. The young man, named James Sullivan, was also present and claimed that he had been held at gunpoint and forced to witness the attack.<sup>28</sup>

The Duluth police stopped the John Robinson's Circus on two occasions on June 15, once in West Duluth and the other in Virginia. On the first arrest, every African American man employed by the circus, "possibly about 200,"<sup>29</sup> were collected. After looking over the schedule for the previous days' events and consulting both Tusken and Sullivan, the police arrested thirteen men who could potentially be guilty of the rape. Elias Clayton, Elmer Jackson, and Isaac McGhie, were among those apprehended. Later that day, investigators drove to Virginia to take nine more men into custody in connection to the assault. Chief Murphy reported, "We left Virginia at 8:10 with four of the niggers to come to Duluth, figuring that we would have the deputy sheriffs take the other five to Duluth on the morning train."<sup>30</sup>

A potentially violent reaction by the citizenry had been discussed during the afternoon and evening of the 15<sup>th</sup>. Captain Fiskett, also present on the trip to Virginia, advised Murphy to contact the Duluth office in order to make sure nothing unusual was happening. Murphy made the phone call sometime after 4 o'clock, after Lieutenant Olson had taken charge of the office. After assuring Chief Murphy that nothing was amiss, Olson was advised to keep an eye out for crowds and suspicious talk. He also noted that he was ordered, "...to see that I could get all the police that were off duty, so that I could get them on short notice, and also, if I needed to, to get the sheriffs."<sup>31</sup>

Olson went on to recount two incidents which pointed to the awful events brewing. At 4:30, he received an anonymous phone call asking if he had heard about an impending lynch mob. He responded to this by sending out an officer on motorcycle, who returned shortly after to inform him that nothing notable was going on. Between 6 and 7 pm, Olson was confronted by, "...a business man from West Duluth... [who] thought there might be some trouble here to-night."<sup>32</sup> He took this second warning more seriously and proceeded to contact local law officers and officials. Eleven police responded. The fire department also became involved as events unfolded.<sup>33</sup>

People began to congregate around the Duluth jail after 8 pm on June 15. Lieutenant Olson ordered that the eleven officers be broken up to guard the two entrances to the building. Six were assigned to protect the front while four or five others were sent to the back. Olson recalled trying to reason with the crowd at two points during the assault, but very quickly, the situation got out of hand. To prevent the mob from cutting the hoses provided by the fire department, Olson sent four men from the front door to keep watch over them. This left two to guard the front entrance against 5,000 people. The infuriated mob proceeded to throw anything they could, including stones and bricks, through the windows of the station and at the police officers themselves. In no time, they had severed the hose used by the police and had connected at least two they had stolen from a fire truck. The mob subdued the authorities with both water and projectiles long enough to flood into the station and toward the trapped men in the jail cells. At no point did an officer draw his gun and fire at the crowd as it attacked the officers and the police station with the clear intention of lynching the men held inside.<sup>34</sup>

Once inside, the mob labored to destroy the steel cells and concrete walls to extract the six African American men who were being held. Patrolman Carl John Sundberg described a chaotic, crowded scene in the jail. He and another officer were pushed back and blocked out by the mob. One of the men was dragged from the cells and passed the officers. Another officer entered, but he and Sundberg were unable to do anything to stop the angry mob. Two people in the crowd had guns exposed and were surveying the scene for trouble from the police.<sup>35</sup>

Chief Murphy and the others arrived in Duluth shortly before midnight. A few miles outside the city limits, the men were stopped and informed that they would not be able to bring the four additional suspects from the Virginia arrests to the city jail because it had been overrun by a lynch mob. After some time, they were able to reach the prison but could not get inside. Murphy mentioned that he heard later that one man had already been lynched by the time they arrived. Patrolman Sundberg also noted that he heard the Chief trying to talk to the crowd while those inside "...were in the cells working to get them out."<sup>36</sup>

Eventually, all six men who were still being held as suspects or witnesses were taken out of the prison while the police stood by, unable, or unwilling, to do anything to stop them. Elias Clayton, Elmer Jackson and Isaac McGhie were condemned to death by the participants of the mob in a mock trial. What happened to the three remaining men on the night of the 15<sup>th</sup> is unclear, but the following day they were transferred to the St. Louis County jail with the suspects from Virginia by the Minnesota National Guard.<sup>37</sup> According to the *Duluth Herald's* report on the 16<sup>th</sup>, the young men who were 'convicted' by the mob were beaten and hung up to a street lamp. McGhie fell to the

ground and was further kicked and beaten by the men around him. Once the men died, a photographer from the Duluth News Tribune set up his camera and took the photograph included below. These pictures, produced as postcards and full size photos, were later sold on the streets of Duluth and the surrounding area.<sup>38</sup>

The authorities were later criticized for their response to the attack on the police station and the subsequent lynchings of Clayton, Jackson and McGhie. Members of the community and examiners who looked into the event afterwards felt that more should



The Duluth lynchers crowded around the corpses of Clayton, Jackson and McGhie for the chance to be included in a photograph of the event. Most of these men appear well dressed and respectable. One of the most disturbing elements of lynching culture in the United States was the willingness of the culprits to be associated to the gruesome crime. Source: [Minnesota Historical Society](#).

have been done by the police to prevent the deaths of the three men and the destruction of public property. A special investigation of the claimed assault, requested by the National Association for the Advancement of Colored People and reported to the governor on July

3, concluded that “sentiment in Duluth is very bitter toward public officials for the manner in which the entire matter was handled.”<sup>39</sup> The *Duluth Rip-saw*, edited and published by John L. Morrison, went further to say, “It was a sad sight, indeed, to see a police department, deserted by its head and leading officers, prove so ineffectual, if not incompetent, by letting a mob murder prisoners whom they were sworn to protect.”<sup>40</sup>

The Commissioner of Public Safety Murnian was harshly reviewed in Adjutant General W. F. Rhinow’s August 5<sup>th</sup> report to Governor Burnquist. Rhinow called Murnian’s entire tenure as Commissioner into question by remarking on the lack of organization among Duluth’s police force not only on the night of the 15<sup>th</sup>, but in general since he had assumed the position. He went on to note:

...that Commissioner Murnian erred appallingly in not requesting the assistance of the sheriff, or the state, at a much earlier time than he did. Prior action, it is believed, would have thwarted the rioters and prevented the lynching. He having been present in the police station during the assembling of the mob, and the ultimate lynching, and not having exercised the duties required of him by his oath of office, is guilty of malfeasance in office, and has shown a woeful lack of courage, decision and competency.<sup>41</sup>

When Murnian himself was interviewed, he admitted that although he was supposed to be in charge according to the chain of command, he had left that up to Lieutenant Olson and had not uttered a single order, even though he was present throughout the entire ordeal.<sup>42</sup>

The police were completely disorganized on the night of the 15<sup>th</sup>. Some officers did not respond to the scene until after the lynchings had taken place. One man, A. A. Warwick, on duty two blocks away, was never called over to assist his fellow officers. This is surprising, considering he called to check in with the switchboard operator every hour. Lieutenant Olson later stated that he told the officers to shoot if it became necessary but reminded them to be careful because there were only 31 cartridges available beside



the ammunition in their handguns. The officers questioned after only remembered vaguely being informed not to shoot and the jailer, Louis Johnson, recounted that there was an, "...understanding among the men that we were not to shoot."<sup>43</sup> Not a single order was issued after Olson instructed the men to block the front and back entrances and the hose. As the mob broke into the jail, the Lieutenant completely lost track of the other officers. Some abandoned the fight all together.<sup>44</sup>

The authorities were also criticized for the inadequate number of police officers in Duluth as well as the lack of training. None of the men questioned, including Olson and Murnian, reported having any experience with riots before the lynchings that night. They were completely unprepared to deal with the violent mob that turned out. The *Duluth Rip-saw* bitinglly added on June 26, "A little brain work, a bit of strategy and a determination to do a sworn duty, could and would have saved the lives of the prisoners."<sup>45</sup> Rhinow also reported to the governor that there was a severe issue with "...the insufficient number of police. The very small force is not large enough to properly police the extended area which it is called upon to cover, most especially in an emergency of this character."<sup>46</sup>

The entire chaotic riot began when the residents of Duluth were incited to violence by rumors and provocative calls to action by a group of young men in a truck less than 24 hours after the accusation of rape was made. After consideration of the facts, it appears that this claim was false and merely a cover up for Miss Tusken's own voluntary actions. In an interview with the private investigator hired by the NAACP, Tusken's family physician, Dr. David Graham, reported that his patient's physical state the day after the alleged attack was not consistent with her story. The interviewer specifically asked if, "...four negroes rape[d] her, there would be signs of abuse, would

there not?" Dr. Graham responded, "You would think so," before ending the discussion.<sup>47</sup>

The NAACP's annual report of 1920 handled Tusken's claim skeptically and noted that the evidence did not point to a real assault. The opening paragraph of the report practically disregards the girl's story by stating, "Although she claimed that she was an innocent girl, her testimony showed that after the alleged assault by six men, she was able to walk more than half a mile to a street car, on which she rode home. The car was crowded but it apparently never occurred to her to speak to any of her fellow passengers nor to her parents when she reached her home."<sup>48</sup>

The NAACP was not alone in doubting Tusken. The *Duluth Rip-saw* ran a story on June 26, 1920 with the headline "Negroes Did Not Rape Girl." They called various parts of her story into question, particularly focusing on the number of men she said had violated her and the fact that she walked to a street car, returned home and went to bed without speaking to her parents or seeking medical attention. The newspaper also reported that her physician had examined her and found that her injuries were not consistent with her tale.<sup>49</sup> One does find it difficult to believe the girl's story after examining the details, especially considering that the number of men she reported had assaulted her fluctuated from 4 to 6 throughout the official documents, reports and newspaper articles covering the matter. She was also of more assistance in identifying her attackers than her companion, James Sullivan, even though she claimed to have been unconscious throughout the ordeal.<sup>50</sup>



Governor J.A.A. Burnquist was in a unique position as both the governor of Minnesota and the president of the local St. Paul Branch of the NAACP. Source: [Minnesota Historical Society](#).

Duluth was in an interesting position when it came to dealing with the aftermath of the lynchings. The governor of the state, J.A.A. Burnquist, also happened to be the head of the St. Paul Branch of the NAACP. The civil rights organization was able to go directly to the governor with its concerns, suggestions and support. A considerable number of telegrams and letters from the group reached Burnquist's desk, all expressing a sense of urgency in prosecuting the criminals responsible for the deaths of the three young men and a desire to assist in any way possible.<sup>51</sup> Walter White, Assistant Secretary of the NAACP, also appealed to the governor to clarify the facts of the case in the media. He wrote on July 23, 1920, "The Associated press despatches [sic] have established the belief throughout the country that the men lynched were guilty of the atrocious crime with which they were charged. If the dispatches which we read are true that the men were innocent would it be possible for you to give a statement...to that effect? ...such a

statement coming from you would get much wider publicity than one coming from this office.”<sup>52</sup>

Of course, this did not have in impact on the end result of the lynchers’ trial. As in most cases across the nation, the culprits were barely punished. Of the estimated 5000 participants in the mob that attacked the police station and lynched Clayton, Jackson and McGhie, only three men, Louis Dondino, Gilbert Henry Stephenson and Carl John Alfred Hammerberg, were convicted. It is important to note that these men were charged with rioting, and in the case of Hammerberg, instigating the riot. They were all released on parole by March of 1923. No one was ever punished for the murders of the unfortunate young victims of June 15<sup>th</sup>.<sup>53</sup>

### **Legislative Efforts**

Most Americans, regardless of race, were appalled by the lynching epidemic that seemed to grip the nation. Many felt that the only way to ensure the safety of all citizens was through federal intervention. Individual activists and organizations such as the NAACP, the Anti-Lynching Crusaders and the National Association of Colored Women strongly advocated for an end to the brutal practices of lynch mobs. Finally, in 1918, Congressman Leonidas Dyer put forward an anti-lynching bill to deal with the national problem.<sup>54</sup>

The Dyer Bill was primarily intended to protect individual citizens, particularly African Americans, from the barbarity of lynching as well as bring those guilty of committing such a dreadful, lawless act to justice. The document uses the term “mob or riotous assemblage” to describe those involved in lynchings as well as forms of group violence. The bill begins by defining the term as, “an assemblage composed of three or

more persons acting in concert for the purpose of depriving any person of his life without authority of law as a punishment for or to prevent the commission of some actual or supposed public offense.”<sup>55</sup>

The Dyer Bill strove to hold police and other officials responsible for the safety of the African American community which had been silenced and suppressed through intimidation and fear of violent death. The text of the legislation demands that officials must be held accountable for the protection of individuals in their custody. It also requires that they must investigate, arrest and try those who committed acts of violence in a “mob or riotous assemblage.” According to the bill, officials found guilty of violating this provision would be convicted with a felony and “...shall be punished by imprisonment not exceeding five years or by a fine of not exceeding \$5,000, or by both such fine and imprisonment.”<sup>56</sup> The bill deals more sternly with police or officials who actually participate in the violent act or who allow a prisoner to be taken away by a mob. Those convicted of having a more direct hand than simply neglecting to offer appropriate protection or failing to bring the perpetrators to justice face a heavy felony penalty of five years to life imprisonment. Anyone else convicted of conspiring with the offending officer would also face the same sentence.<sup>57</sup>

Section four enters awkward territory while trying to clarify for the courts the obvious problem of assigning guilt to individual participants of a murderous mob. The bill attempts to take away the protective anonymity of the mob by stating “It shall not be necessary that the jurisdictional allegations herein required shall be proven beyond a reasonable doubt, and it shall be sufficient if such allegations are sustained by a preponderance of the evidence.”<sup>58</sup>

Another point made by the Dyer Bill looks beyond the individual persons involved and turns to the county. If it should be found that an official was negligent or actually aided a lynch mob, the county would be held financially responsible. A total amount of \$10,000 was ordered to be paid to the family of a lynching victim or to the federal government in lieu of family. The court was also given the authority to secure this



This picture ran in the *Chicago Defender* on November 4, 1916. Even before legislation was brought before Congress, there was a push among black and white Americans alike to elect politicians who would commit to bringing an end to lynching. Source: [The Chicago Defender – Notre Dame OpenCourseWare](#).

money through legal orders, taxation or confiscated county property. The bill goes on to add that if the victim is kidnapped and killed in more than one county, the amount paid to the family may be split by each county associated with the mob's actions.<sup>59</sup>

On January 26, 1922, the House of Representatives passed the bill and moved it along to the Senate for debate. Newspapers across the country encouraged people to show their support by signing petitions or sending telegrams to congressmen to express their support of the effort. In November, 1922, the *New York Times* ran a full page ad entitled, "The Shame of America." This document grabs the reader's attention immediately with the startling statement, "Do you know the United States is the Only Land on Earth where human beings are BURNED AT THE STAKE?"<sup>60</sup> It goes on to briefly summarize the savage history of lynching, reporting that nearly 3,500 people were murdered by lynching over the course of 33 years, from 1889 to 1922. The ad also attempts to dispel the myth of rape. It observes that less than 17% of lynchings were connected to rape and also adds that 83 women were among the 3,500.<sup>61</sup>

By December 9, 1922, the Dyer Bill, already expected to be voted down, was stalled by a filibuster. An article from the *Union* reported that Southern senators chose to halt all work until the anti-lynching bill disappeared. The sense of anxiety and exasperation can be seen throughout this short document. The unknown writer called the bill's "...doom a... disgrace to this country," and questions how "civilized or christianized" people could combat such a measure of protection for citizens of the United States. The final sentence offers a suggestion to African American readers: leave the South or, if one is attacked, fight and take as many lawless lynchers down as one can in the process.<sup>62</sup>

Southern Democrats could not attack the bill directly and instead claimed that it violated states' rights. They challenged the federal government's attempt to become involved in cases of lynching and declared that it, "...was a simple murder under the law... [and challenged] the right of the federal authorities to enter a state to try a homicide case."<sup>63</sup> On December 4, the Cincinnati, Ohio newspaper *Union* unabashedly blamed the Ku Klux Klan for the death of the Dyer Anti-lynching Bill. It observed that although there was "...no public mention of the klan...on the senate floor it was plainly obvious that it is the one big purpose of the klan element to defeat this measure."<sup>64</sup>

On January 20, 1934, a newspaper called *The Reflector* from Charlottesville, Virginia, excitedly reported that six new anti-lynching bills were sent to the Judiciary Committee from both houses of Congress in an effort to restart the stalled debate on lynching. The Costigan-Wagner Bill, cosponsored by Senators Edward P. Costigan of Colorado and Robert F. Wagner of New York, was similar to the Dyer Bill that preceded it. The bill attempted to protect Americans from vicious mobs and prosecute those who flouted the law in order to serve their own brand of justice. Unfortunately, this bill was never enacted either.<sup>65</sup> Sherrow O. Pinder, author of the "Anti-Lynching Movement" section of the 2007 *Encyclopedia of Activism and Social Justice*, attributed the failure to President Franklin D. Roosevelt. She mentioned in her article that "...President Franklin D. Roosevelt refused to support this bill because he was afraid of losing the support of the white voters in the South and, as such, of losing the 1936 presidential election."<sup>66</sup>

### **Lynching In the Modern Age**

Americans would like to believe that racism no longer confronts our society as a major issue in the way it once did. Although great improvements have been made since



the Civil Rights Movement, one cannot ignore that there are still obvious tensions present in our culture. The justice system, education, health care and career options have broadened tremendously, but can scarcely be called equal. Thankfully, the United States no longer needs to worry about lynching as it did in 1920, but one must be careful. As a cultural symbol, it still evokes strong emotions and stirs debate among both private citizens and public officials.

Americans have found different ways to deal with the harsh realities of their history. A multicultural collection of Duluth residents, led by Heidi Bakk-Hansen, Henry L. Banks and Catherine Ostos, organized in 2000 to create the Clayton Jackson McGhie Memorial. This commemorative site, including a large bronze statute of each victim and 16 panels of quotes from famous individuals, many known for their dedication to human rights, "...became the first substantial public lynching memorial in the nation."<sup>67</sup> Officially unveiled on October 10, 2003, the monument has served to unite the community and help the citizens of Duluth deal with a troubling past.<sup>68</sup>

On a federal level, some interesting laws have been past in recent years related to America's legacy of lynching. Senator Mary Landrieu and others worked to create an apology from the Senate in 2005. Senate Resolution 39 is a brief document which describes the epidemic nature of lynching as a form of racist expression following the eradication of slavery. It confirms that by 1968, nearly 5000 Americans, mostly African American, had been killed by lynching in all but four states. It also notes that seven presidents and close to 200 proposed anti-lynching bills had been ineffective in creating some form of protection against the atrocious practice. The bill concludes by presenting an apology to the victims and their descendants and states, "...an apology offered in the

spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged.”<sup>69</sup>

Of considerably more substance is the recent “Matthew Shepard Hate Crimes Prevention Act.” Presented by Senator Harry Reid in the spring of 2009, this law tackles the general issue of hate crimes in the United States rather than singling out any one particular problem area. It recognizes the seriousness of hate crimes and acknowledges that these acts “...frequently savages the community sharing the traits that caused the victim to be selected.”<sup>70</sup> Senate Resolution 909 also spends some time examining slavery and its impact on race relations after its dissolution at the end of the Civil War. It goes on to define hate crimes and appropriate punishments as well as offering support to authorities faced with such crimes, including financial support through a grant. This document is an important step forward for the United States as it works to challenge the discriminatory rule lawless criminals attempt to hold over minority groups in the nation.<sup>71</sup>

The American South continues to be notorious for racism even today. This reputation was reinforced in the summer of 1998 when 49 year old James Byrd Jr. was brutally murdered in the small town of Jasper, Texas. His violent death came after being viciously beaten, dragged behind a truck and decapitated and “...rekindled memories of lynching practices from the blood stained American past.”<sup>72</sup> This event is even more disturbing considering the fact that the Ku Klux Klan, infamous for such intimidating violence, had had a strong presence in this area of Texas for over a century and was still believed to be influential.<sup>73</sup>

Fortunately, the law no longer treats the perpetrators of such crimes lightly. Three white men were arrested and tried for Byrd’s murder. Unlike the sentences given to the

men in Duluth in 1920, which amounted to little more than a slap on the wrist, the criminals in this case were seriously punished for their brutal offense. Two of the men received the death penalty while the third faced life in prison. Although it is thoroughly unsettling to have to confront such a brutal account of racially motivated murder in 1998, it is reassuring that the judicial system no longer metes out light, token punishments to the criminals responsible.<sup>74</sup>

Jena, Louisiana offered a frightening image of the reality of racism on December 4, 2006, when six African American students beat up a white student at their school. They were promptly arrested and charged with attempted second-degree murder for a schoolyard fight even though the white student's condition was not severe and he left the hospital a few hours later. The nation quickly responded with outrage as the story unfolded. Prior to the fight, a number of racist incidents had occurred. The most notable had happened in September, when African American students arrived at school to see three nooses hanging from what has been called a "white only" tree. As November came to an end, tensions rose. Black students endured racial slurs. One young man was beaten up for attempting to attend a white party he had been invited to. Two days before the now infamous fight, some black students had been attacked by a white man with a shotgun. In the end, the white man was charged with nothing while the black students received a number of charges for defending themselves.<sup>75</sup>

Eventually, the egregious charge of attempted second-degree murder was reduced to a lesser, but still excessive charge of aggravated second-degree battery and conspiracy to commit the same crime. The trials of the six black students, particularly that of the youngest, 16 year old Mychal Bell, received widespread criticism in the United States

and abroad. His attorney was viewed as inept for a number of lack luster decisions, including his failure "...to perform his duties as a zealous advocate for his client."<sup>76</sup>

It is difficult to ignore the racist implications of this incident, which clearly stands as an example of the failure of the American justice system.

What is most disturbing about the nooses that started this episode of racial violence is the reaction of the people of Jena. With a population made up of 85% whites and 12% blacks, the town remains segregated in many ways. The races keep to their own neighborhoods, churches and businesses. A local barber admitted that he had never served a black customer at all. In this climate, the African American population felt further alienated and offended when "Most whites in Jena dismissed it as a tasteless prank."<sup>77</sup> After the nooses appeared in the schoolyard, the District Attorney Reed Walters came to speak to the students. He harshly chastised the black students for blowing things out of proportion, insisted that it was merely a prank and proceeded to threatened with the phrase, "With the stroke of my pen, I can make your lives disappear."<sup>78</sup>

Donald F. Tibbs and Tryon P. Woods published an essay entitled "Jena 6 and Black Punishment: Law and Raw Life in the Domain of Nonexistence," for the *Seattle Journal for Social Justice*. Included in this essay is a quote from Caseptla Bailey, the mother of one of the young men who was arrested:

It meant hatred, to the other race. It meant that "We're going to kill you, you're going to die." You know, it sent a message: "This is not the place for you to sit. This is not your damn tree. Do not sit here. You know, you ought to remain in your place, know your place and stay in your place. You're out of your boundaries." And the first thing now that the sheriff department or that the chief of police want to say that—as well as the superintendent—one had nothing to do with the other. Now, come on now!<sup>79</sup>

I was especially struck by this quote and the more I read it, the closer it brought me to tears. As an American living in the 21<sup>st</sup> century, it deeply saddens me that African Americans, especially the young, are still forced to navigate through a minefield of racial conflict while their white counterparts remain ignorant to what is going on. There is a strong desire to insist that the United States is moving past the issue of race, and many do insist, but this denies the reality experienced by African Americans and other minorities every day. It is inexcusable for any American to take the violent crime of lynching, whether real or symbolic, as lightly as the residents of Jena have.

Events such as this serve as reminders that the United States, though it has come a long way, must still work toward a better racial climate. John Hope Franklin was an important figure in the Civil Rights movement which improved race relations significantly in this nation. He deserves recognition and gratitude for his dedication to positive change through education and honesty. Our work to continue overcoming the challenges of our past and present will go on in honor of Franklin and the many other men and women who fought for freedom and equality.

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4. Ibid., 67.
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8. Ibid., 52.
9. Ibid., quote, 52, whole paragraph, 52-55.
10. Ibid., 49-51.
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