



Open Doors 2021

A Century-Old Injustice: Remembering the 1920 Duluth Lynchings

Introduction:

Open Doors is a longstanding project of the Federal Court in Minnesota, in collaboration with partners throughout the justice system. Over the years, Open Doors has brought hundreds of volunteer lawyers and judges into classrooms to teach students about the justice system, using mock trials and presentations regarding important historical events. Open Doors has partnered with dozens of teachers and administrators in schools around the state.

The Duluth Lynchings, Max Mason, and a Pardon 100 Years in the Making:

This year, due to the COVID-19 pandemic, Open Doors is offering flexible classroom programming that teachers can use in remote learning models. This program addresses an often overlooked but important piece of Minnesota history: the public lynching of three Black men in Duluth in 1920 by an unruly mob. This project is available to high school teachers and students around the state as part of the Federal Court's multi-faceted commemoration of these tragic events.

The program material will introduce students to the facts surrounding three employees of a traveling circus who were lynched after being falsely accused of sexually assaulting a white woman, and the subsequent prosecution of others, including Max Mason, who was convicted of the assault on the flimsiest of evidence. Students will learn about the breakdown in the rule of law that made the murders possible, and about the system failures which resulted in no one being held responsible for those murders. The material also introduces students to the inspiring efforts of a team of lawyers and community leaders last year to secure a posthumous pardon for Mr. Mason.

How To Use the Program:

This program is designed to be flexible, so that educators can choose to implement all or some of the material into their curriculum. It is designed to be interactive and multi-media, so that students can actively engage with the materials. Because we know that teaching is more difficult than ever in the COVID era, we have developed two options, described below, though each option can be shortened or expanded:

Option A will take approximately four or five classroom days. It first introduces students to historical accounts of the lynchings in 1920 through multiple forms of media and readings. Students will then learn about the efforts to raise awareness during the 100-year remembrance, and the work done to pardon Mr. Mason in 2020.

Option B is a shorter version of Option A designed to take approximately three days. It focuses on the historical accounts of 1920 and the efforts to raise awareness during the 100-year remembrance.

Each option is described in greater detail in the attached Teacher’s Guide. Please refer to the Table of Contents for an easy-to-use overview of the program materials.

We would be thrilled if you utilize any parts of this program with your students. In addition, we would be happy to provide volunteers via video, sending judges and lawyers who have worked on this programming “into” your classrooms to listen to and critique student presentations. Please do not hesitate to reach out with any questions, or to request volunteers to work with your students. Email us at: Opendoors@mnd.uscourts.gov.

- Open Doors Coordinators -
Theresa Anderson, Magistrate Judge Kate Menendez, and Danielle Mair

TABLE OF CONTENTS

I.	Teacher’s Guide: This will help educators use either Option A or Option B with their students, and will provide enough information so that educators can modify either program to suit their needs.	
	Option A	4
	Option B	7
II.	Who’s Who: A list of the key participants involved in the events of 1920, and in 2020 efforts to pardon Max Mason. This brief overview will help students and educators digest the other materials.	9
III.	Suggested Student Projects: Here educators can choose from suggestions for student projects and assignments.	14
IV.	Discussion Questions: Educators can use one or more of the questions on this list to generate classroom discussion and debate. Educators could also choose to assign questions to students for daily reflection	15
V.	Resource List: As a supplement to the resources included in the teacher’s guide, we have compiled a list of additional resources for educators and students who want to access original documents, read the transcript of the Max Mason trial, and learn more about these events.	17

I. TEACHER'S GUIDE

Curriculum for Option A

This program is designed to take several days, with materials that can be used in class or incorporated within homework assignments. Option A culminates with students presenting a class project; several suggested topics are provided in these materials. This program includes a deep dive into the events of 1920, as well as an exploration of the work surrounding the 2020 pardon, led by local attorneys Jerry Blackwell and Corey Gordon. The inclusion of the 2020 chapter of this story is designed to teach students about ways in which the fight for equal justice remains relevant and essential today. Option A can be shortened in a variety of ways, and educators can pick and choose how to use the materials suggested for each day.

Day 1.

1. Review the list of [Who's Who](#)
Approx. Time: 5 minutes
2. Review the [video of Jerry Blackwell introducing the history of the Duluth lynchings](#), which includes the CBS Minnesota/WCCO media clip: "Minnesota's First Posthumous Pardon Granted to Black Man, Max Mason, Convicted in Century-Old Duluth Case"
Approx. Time: 25 minutes

3. Review media coverage regarding the 100-year anniversary of the lynchings
Article: "On June 15, 1920, a Duluth mob lynched three black men," by Tina Burnside | July 29, 2019

[minnpost.com/mnopedia/2019/07/on-june-15-1920-a-duluth-mob-lynched-three-black-men/?gclid=CjwKCAiAl4WABhAJEiwATUnEFwBcpXPeqsMV8xeego8BBv7b33cnpJOQnLAEc8vUrwb0IY2mv-8PhoCIMUQAvD BwE](https://www.minnpost.com/mnopedia/2019/07/on-june-15-1920-a-duluth-mob-lynched-three-black-men/?gclid=CjwKCAiAl4WABhAJEiwATUnEFwBcpXPeqsMV8xeego8BBv7b33cnpJOQnLAEc8vUrwb0IY2mv-8PhoCIMUQAvD BwE)

Approx. Time: 5 minutes

Article: "Centennial remembrance of Duluth lynchings subdued - but hopeful," by Dan Kraker | June 15, 2020

<https://www.mprnews.org/story/2020/06/15/centennial-remembrance-of-duluth-lynchings-subdued-but-hopeful>

Approx. Time: 10 minutes

(Optional) Video: “Minnesota governor marks 100th anniversary of Duluth lynching” | Nation June 15, 2020

DULUTH, Minn. — Minnesota Gov. Tim Walz’s remarks marking the 100th anniversary of a painful chapter in Duluth history by visiting memorial to three black men lynched by a white mob.

[pbs.org/newshour/nation/watch-minnesota-governor-marks-100th-anniversary-of-duluth-lynching](https://www.pbs.org/newshour/nation/watch-minnesota-governor-marks-100th-anniversary-of-duluth-lynching)

Approx. Time: 23 minutes

4. (Optional) Consider one or more discussion questions from the [Discussion Questions](#) document for class discussion or student reflection.

Approx. Time: 20 minutes

Day 2

5. Review Minnesota History Center website regarding the lynchings, legal proceedings, and incarcerations

<https://www.mnhs.org/duluthlynchings/lynchings.php>

<https://www.mnhs.org/duluthlynchings/legal.php>

<https://www.mnhs.org/duluthlynchings/incarcerations.php>

Approx. Time: 30 minutes

6. Review the Max Mason [pardon application](#), [letters in support](#) and the [pardon certificate](#).

Approx. Time: 30 minutes

7. (Optional) Consider one or more discussion questions from the [Discussion Questions](#) document for class discussion or student reflection.

Approx. Time: 20 minutes

Day 3

8. Review the [Max Maxon pardon hearing](#)

Approx. Time: 32 minutes

9. Review media coverage regarding the Max Mason pardon

Article: “Minn. grants state’s first posthumous pardon to Max Mason, in case related to Duluth lynchings,” by Dan Kraker | June 12, 2020

<https://www.mprnews.org/story/2020/06/12/minn-grants-states-first-posthumous-pardon-to-max-mason>

Approx. Time: 5 minutes

Article: “Century after Minnesota lynchings, black man convicted of rape ‘because of his race’ up for pardon,” by Meagan Flynn | June 12, 2020

<https://www.washingtonpost.com/nation/2020/06/12/duluth-lynchings-mason-pardon/>

Approx. Time: 5 minutes

10. (Optional) Consider one or more discussion questions from the [Discussion Questions](#) document for class discussion or student reflection.

Approx. Time: 20 minutes

Day 4

11. Review the [video of Corey Gordon discussing the Max Mason pardon](#)

Approx. Time: 18 minutes

12. Consider assignments 1 - 5 from the [Suggested Student Projects](#)
Choose one of the assignments and work on drafting.
(Optional – record your presentation)

13. (Optional) Consider one or more discussion questions from the [Discussion Questions](#) document for class discussion or student reflection.

Approx. Time: 20 minutes

Day 5

14. Present your assignment in class

15. Class discussion: use the proposed discussion questions from the [Discussion Questions](#) document as possible discussion points.
-

Curriculum for Option B

This option is more condensed and focuses solely on the events of 1920, without including the 2020 pardon work. This approach provides substantial information about the lynchings, and allows for student engagement through completing and presenting an assignment to the class. Educators can also expand Option B by including some of the additional materials listed above in their daily plan.

Day 1

1. Review the list of [Who's Who](#)
Approx. Time: 5 minutes
2. Review the [video of Jerry Blackwell introducing the history of the Duluth lynchings](#), which includes the CBS Minnesota/WCCO media clip: "Minnesota's First Posthumous Pardon Granted to Black Man, Max Mason, Convicted in Century-Old Duluth Case"
Approx. Time: 25 minutes

3. Review media coverage regarding the 100-year anniversary of the lynchings
Article: "On June 15, 1920, a Duluth mob lynched three black men," by Tina Burnside | July 29, 2019

[minnpost.com/mnopedia/2019/07/on-june-15-1920-a-duluth-mob-lynched-three-black-men/?gclid=CjwKCAiAl4WABhAJEiwATUnEFwBcpXPeqsMV8xeego8BBv7b33cnpJOQnLAEc8vUrw0IY2mv-8PhoCIMUQAvD_BwE](https://www.minnpost.com/mnopedia/2019/07/on-june-15-1920-a-duluth-mob-lynched-three-black-men/?gclid=CjwKCAiAl4WABhAJEiwATUnEFwBcpXPeqsMV8xeego8BBv7b33cnpJOQnLAEc8vUrw0IY2mv-8PhoCIMUQAvD_BwE)

Approx. Time: 5 minutes

Article: "Centennial remembrance of Duluth lynchings subdued - but hopeful," by Dan Kraker | June 15, 2020

<https://www.mprnews.org/story/2020/06/15/centennial-remembrance-of-duluth-lynchings-subdued-but-hopeful>

Approx. Time: 10 minutes

(Optional) Video: "Minnesota governor marks 100th anniversary of Duluth lynching" | Nation June 15, 2020

DULUTH, Minn. — watch Minnesota Gov. Tim Walz's remarks marking the 100th anniversary of a painful chapter in Duluth history by visiting a memorial to three black men lynched by a white mob.

[pbs.org/newshour/nation/watch-minnesota-governor-marks-100th-anniversary-of-duluth-lynching](https://www.pbs.org/newshour/nation/watch-minnesota-governor-marks-100th-anniversary-of-duluth-lynching)

Approx. Time: 23 minutes

-
- (Optional) Consider one or more discussion questions from the [Discussion Questions](#) document for class discussion or student reflection.

Approx. Time: 20 minutes

Day 2

- Review the History Center information on their website regarding the lynchings, legal proceedings, and incarcerations

<https://www.mnhs.org/duluthlynchings/lynchings.php>

<https://www.mnhs.org/duluthlynchings/legal.php>

<https://www.mnhs.org/duluthlynchings/incarcerations.php>

Approx. Time: 30 minutes

- Consider assignments 1, 3, 4, and 5 from the [Suggested Student Projects](#). Choose one of the assignments and work on drafting.

(Optional – record your presentation)

- (Optional) Consider one or more discussion questions from the [Discussion Questions](#) document for class discussion or student reflection.

Approx. Time: 20 minutes

Day 3

- Present your assignment in class

- Class discussion: use the proposed discussion questions from the [Discussion Questions](#) document as possible discussion points.
-

II. WHO'S WHO

1920 - The Alleged Rape, the Mob Violence, and the Trial and Conviction of Max Mason

Irene Tusken (born November 1, 1901 – died June 12, 1996): Ms. Tusken was a white woman from West Duluth who claimed that six Black circus laborers raped her on the evening of June 14, 1920. Her story spread quickly, leading to the mob lynching of three young Black men and to criminal charges against others. Little evidence backed her allegations. A family physician examined Tusken shortly after the alleged rape and found no physical evidence of rape or assault. The police were not contacted until hours after the claimed rape occurred, when Tusken's boyfriend reported the rape to his father, who in turn reported it to police.

James Sullivan (born September 12, 1902 – died October 16, 1969): Sullivan was the boyfriend of Irene Tusken, who accompanied Tusken to the John Robinson Circus. Sullivan was the first person to report the alleged rape of Tusken, claiming he was held by gunpoint by circus workers while Irene was raped.

Max Mason (born April 24, 1899 – died November 14, 1942): Max Mason was a Black circus laborer working for the John Robinson Circus during its performances in Duluth, Minnesota in June 1920. Mason was one of two young Black men tried for the alleged rape of Irene Tusken. Although little evidence linked him to the alleged crime, Mason was convicted of rape. He received an indeterminate sentence of seven to thirty years. He was twenty-one years old at the time of his conviction. Max Mason arrived at Minnesota State Prison, Stillwater in August 1921. He appealed his case to the Minnesota Supreme Court, but the guilty verdict was affirmed. In 1925, the Minnesota Parole Board discharged Mason from prison with the condition that he leave the state.

William Miller: William Miller was a Black circus laborer working for the John Robinson Circus during its performances in Duluth, Minnesota in June of 1920. Miller was one of two young Black men tried for raping Irene Tusken. An attorney hired by the NAACP, Charles Scrutchin, represented Miller at trial and convinced the jury to acquit him.

Elias Clayton (born 1897 – died June 15, 1920): Born in Virginia, Elias Clayton was a laborer for the John Robinson Circus. He was one of three Black men murdered by a lynch mob in Duluth on June 15, 1920. His age given on his death certificate was "about 23."

Elmer Jackson (born April 19, 1897 – died June 15, 1920): Born in Missouri, Elmer Jackson was a resident of Topeka, Kansas before he died. A circus laborer for the John Robinson Circus, he was one of three Black men murdered by the lynch mob in Duluth. He was twenty-three years old at the time. Shortly after the lynchings, his father, Clifford Jackson, unsuccessfully sued the city of Duluth for neglecting to protect his son from the mob.

Isaac McGhie (born 1900 – died June 15, 1920): Born in Virginia, Isaac McGhie was a laborer for the John Robinson Circus. He was one of three Black men murdered by the lynch mob on June 15, 1920.

His age given on his death certificate was “about 20.” McGhie was being held in the Duluth Police Department as a material witness.

J. Louis Ervin: A Black attorney from St. Paul who conducted a fact-finding investigation in the days following the lynchings. The report was sent to the National Office of the NAACP. Ervin graduated from the College of Law at the University of Minnesota in 1907. He practiced law in Duluth and then moved to St. Paul in 1913. He was a member of the St. Paul Branch of the NAACP.

Ferdinand L. Barnett, Jr.: One of the three Black lawyers hired by the NAACP for the Duluth case. Working with R.C. McCullough and Charles Scrutchin, Barnett defended the seven Black men indicted for the alleged rape of Irene Tusken. The team was successful in getting charges against five of the defendants dismissed – only Max Mason and William Miller were tried. Barnett was from Chicago and had worked there for fifteen years as an assistant state attorney. He was the most prominent lawyer on the defense team. His father, Ferdinand Barnett, Sr. was the editor of the *Conservator*, a Black newspaper in Chicago. His stepmother was Ida B. Wells-Barnett, a famous anti-lynching activist and a founder of the National Association for the Advancement of Colored People (NAACP).

R.C. McCullough: One of three Black lawyers hired by the NAACP for the Duluth case. He was from Duluth. McCullough later wrote about Max Mason in a letter: “From all the contact, and knowledge I gained of him personally, I found him to be of a well behaved character, earnest, honest and true and from all the inquiry I made concerning him and learned from all who visited him while in jail and from the sheriff and his officers who had immediate care of him informed me that he was a man of good behavior and honest.”

Charles Scrutchin: One of three Black lawyers hired by the NAACP for the Duluth case. Scrutchin led the defense team for the William Miller trial and convinced the jury to acquit Miller of rape. A native of Richmond, Virginia, Scrutchin graduated from law school at the University of Michigan in 1893. After a stint as an attorney in Chicago, Scrutchin moved to Bemidji, Minnesota, where he had a law practice.

Edward H. Barber: Police Lieutenant Barber was left in charge of the jail on the night of the lynching. After battling the mob outside, Barber retreated inside the jail and pleaded with the mob to stop the assault and let the accused stand trial.

William Powers: Reverend Powers was at the scene of the murders and was unsuccessful in pleading with the lynch mob to stop.

William (“Bill”) Murnian: Murnian was the Duluth Commissioner of Public Safety. A report by Adjutant General W.F. Rhinow criticized Murnian for allowing the mob to grow and become violent, ordering the police not to use their guns to defend the people being held in the jail, and for his general lack of leadership during the incident.

Joseph A.A. Burnquist: Burnquist was the governor of Minnesota from 1915-1921. While governor, he also served as President of the St. Paul Branch of the NAACP. After the lynchings, Burnquist granted approval to use the Minnesota National Guard to secure Duluth from further mob violence. He

commissioned Adjutant General W.F. Rhinow to investigate the inefficient response by the Duluth Police. Despite repeated requests from the NAACP, Burnquist did not commission an independent investigation of the lynchings.

Clarence Magney: Mayor of Duluth from 1917-1920, Magney was out of town at the time of the lynchings. On his return, he condemned the murders and supported an investigation of the police department by Adjutant General W.F. Rhinow.

W.F. Rhinow: Adjutant General W.F. Rhinow arrived in Duluth the morning after the lynchings, commanding a force of 130 Minnesota National Guard troops from Fort Snelling. Rhinow's investigation of the Duluth Police Department found that the police offered "inconsequential resistance" and that Public Safety Commissioner Murnian displayed a "woeful lack of courage, decision, and competency."

Lewis S. Nelson: District court judge who presided over the Max Mason trial.

W.A. Cant: District court judge who presided over the William Miller and Carl John Alfred Hammerberg trials. Judge Cant spoke to the mob a few hours before the mob broke into the jail to lynch Clayton, Jackson, and McGhie.

Louis Dondino: Convicted of riot for his participation in the mob that led to the lynchings of Elias Clayton, Elmer Jackson, and Isaac McGhie. Dondino was thirty-eight years old and was employed in Duluth as a truck driver. Hours before the lynchings, he drove his truck through downtown Duluth, gathering men to join the mob. The crime of riot held a maximum sentence of five years. Dondino served about a year in Minnesota State Prison, Stillwater. A grand jury issued thirty-seven indictments for the lynching mob. Twenty-five were for rioting and twelve were for murder in the first degree; some men were indicted on both charges. Only Dondino and two others were convicted of rioting; none served more than 15 months in prison. Despite the indictments, no one was ever prosecuted for the murders of Clayton, Jackson, and McGhie.

Carl John Alfred Hammerberg: Convicted of instigating a riot for his participation in the mob that led to the lynchings. He was eighteen years old at the time of the lynchings. He was born in Sweden and immigrated to Duluth as a child. He served about 15 months in Minnesota State Reformatory, St. Cloud.

Gilbert Henry Stephenson: Convicted of riot for his participation in the mob that led to the lynchings. Thirty-four years old, Stephenson worked in Duluth as a carpentry assistant, foreman, and truck driver. Witnesses placed Stephenson at the crime scene, testifying he helped the mob break into the jail and take the lynching victims from their cells. He served about a year in Minnesota State Prison, Stillwater.

Nellie Francis: A Black woman from St. Paul who led the passage of Minnesota's Anti-Lynching Bill, signed into law on April 18, 1921. Francis was the president and founder of the Everywoman Progressive Council and president of Minnesota State Federation of Colored Women. Her husband,

attorney William T. Francis, was active in the Max Mason case and assisted in the effort to pass the anti-lynching bill.

William T. Francis: A prominent Black attorney from St. Paul, Francis was associate counsel for Max Mason, making final arrangements to appeal Mason's rape conviction to the State Supreme Court. Francis also helped draft and pass Minnesota's anti-lynching bill, assisting his wife Nellie Francis, who led the campaign. In 1927, Francis was appointed United States Ambassador to Liberia; he died while serving there in 1929.

2020 – The Pardon of Max Mason and the Memorial to the Victims of the Lynch Mob

Jerry W. Blackwell and Corey L. Gordon: Mr. Blackwell and Mr. Gordon were the lead lawyers on the Application for Pardon Extraordinary for Max Mason, which they filed with the Minnesota Board of Pardons on January 17, 2020. They are partners at the law firm Blackwell Burke P.A., where they serve as national and trial counsel for several major corporations. Mr. Blackwell is also a founder of the Minnesota Association of Black Lawyers. Mr. Blackwell and Mr. Gordon were chosen as 2020 Minnesota Attorneys of the Year by *Minnesota Lawyer* for their work on the pardon.

The Minnesota Board of Pardons: A three-member board consisting of Minnesota Governor Tim Walz, Minnesota Attorney General Keith Ellison, Chief Justice of the Minnesota Supreme Court Lori Gildea (<https://mn.gov/doc/about/pardon-board/board-meetings/>).

The Pardon Process: On June 26, 2020, the Minnesota Board of Pardons issued a Pardon Extraordinary for Max Mason for his conviction of rape on November 27, 1920. The Application for the Pardon was supported by almost all of the living former Minnesota governors and former members of the Pardon Board, as well the judges of the United States District Court for the District of Minnesota.

The Clayton Jackson McGhie Memorial Organization: On October 10, 2003, a plaza and statues were dedicated in Duluth to the three men murdered by the Lynch mob in Duluth on June 15, 1920, Elias Clayton, Elmer Jackson, and Isaac McGhie. The bronze statues are part of a memorial across the street from the site of the lynchings, and were installed with leadership from CJM Memorial, Inc., a grassroots organization in Duluth. On June 15, 2020, the 100th anniversary of the lynchings, Minnesota Governor Tim Walz visited the memorial and issued a proclamation recognizing the day as Elias Clayton, Elmer Jackson, and Isaac McGhie Commemoration Day. In his proclamation, Walz stated, "The foundational principles of our State and Nation were horrifically and inexcusably violated on June 15, 1920, when Elias Clayton, Elmer Jackson, and Isaac McGhie, three Black men, were wrongfully accused of a crime," and "We must not allow such communal atrocities to happen again. Everyone must be aware of this tragic history." CJM board member Rogier Gregoire spoke in support of the Max Mason pardon at the hearing before the Pardon Board.

Equal Justice Initiative / The Clayton Jackson McGhie Historical Marker and Duplicate Monument: The Equal Justice Initiative (EJI) is a nonprofit organization founded in 1989 by Bryan Stevenson, a well-known public interest lawyer and bestselling author of *Just Mercy*. EJI provides legal representation to

people in state jails and prisons, as well as public education on the history of injustice and violence against people of color in America.

- EJI's Community Remembrance Project partners with community coalitions to memorialize documented victims of racial violence throughout history and foster meaningful dialogue about race and justice today (<https://eji.org/projects/community-remembrance-project/>). The Historical Marker Project erects narrative markers in public locations describing the violence that once took place in these locations, in an effort to ensure that it is not forgotten. As part of the Historical Marker Project, the Clayton Jackson McGhie Memorial and the Duluth Chapter of the NAACP, along with city officials and community members, unveiled a historical marker on October 10, 2020, in Duluth, Minnesota, at the site where Elias Clayton, Elmer Jackson, and Isaac McGhie were lynched on June 15, 1920.
- EJI opened The National Memorial for Peace and Justice in Montgomery, Alabama, on April 26, 2018. It is the nation's first memorial dedicated to people terrorized by lynching (<https://museumandmemorial.eji.org/memorial>). The site includes a memorial square with 800 six-foot monuments to symbolize thousands of racial terror lynching victims in the United States and the counties and states where this terrorism took place. With the hope that the National Memorial inspires communities across the nation to enter an era of truth-telling about racial injustice and their own local histories, EJI will, after active Community Remembrance work in a community, collaborate to place a duplicate monument—identical to the monument found at the National Memorial—in the community.

III. SUGGESTED STUDENT PROJECTS

Open Doors has a long tradition of bringing attorneys and judges from diverse backgrounds into classrooms to work with high school students, and to tell students a bit about their own career paths. If you would like to have volunteer attorneys or judges attend your class remotely to “judge” student presentations, please get in touch.

1. If you were the attorney representing Max Mason at his trial, what evidence and argument would you want to highlight to the jury in your closing argument? Draft a closing argument for Max Mason and present it to your teacher and peers.
2. If you were the attorney representing Max Mason’s application for pardon, what evidence, facts, and policy do you think the Pardon Board would find persuasive? Draft a statement to the Pardon Board and present it in front of your teacher and peers. Explain how your argument might change if you are making this argument today (100 years after the events), or if you were arguing for Mr. Mason a year or two after his conviction.
3. The NAACP sends a telegram to Governor Burnquist asking him to provide assistance or authorize the Attorney General to assist the local prosecutors in prosecuting the individuals responsible for the lynchings. Draft a letter to Governor Burnquist with your advice on what he should do in response to the request from the NAACP.
4. If you were the Mayor of Duluth at the time of the lynchings, what would you do? Draft a 5-step community action plan that you would implement to address the inherent racism, community divide, and safety concerns that the lynchings so starkly revealed. How would your community action plan differ if it were being implemented today? Present your action plan in front of your teacher and peers.
5. Some newspapers such as the Mankato Daily Free Press and Ely Miner contained editorials that suggested while the lynchings were to be deplored, the “greater good” was served by the lynchings. Public Safety Commissioner Murnian won reelection after the report was issued by General W.F. Rhinow. How would you as an elected official in Minnesota talk about the importance of the rule of law?

IV. DISCUSSION QUESTIONS

The following are suggested questions for discussion in class or questions that could be assigned to students for written reflections:

- Why were Mr. Sullivan and Ms. Tusken so readily believed on such flimsy evidence?
- Why were the perpetrators left almost wholly unpunished?
- Why was there such an incredibly large crowd? Why were they so eager to join in such a horrifying kind of a gathering? Why do you think the mob did not listen to Judge Cant, Lieutenant Barber, or Reverend Powers?
- Why were the police officers on duty told to put their guns away and to instead use water hoses? Why did the commissioner of public safety not call on the National Guard? The National Guard were just a few blocks away for a weekend duty.
- Discuss the ways in which the justice system failed in 1920.
- Max Mason and William Miller had attorneys, thanks to the NAACP. In 1920, there was no widespread right to counsel, and often poor defendants did not have lawyers. Why is it important for someone charged with a crime to have counsel?
- What difficulties do you think a Black lawyer would have faced by representing the Black defendants in this environment?
- Why is it important for us to talk about and commemorate something that happened 100 years ago?
- What actions can be taken to stop people from acting impulsively in violation of the law? Who within society has a role in preventing people from acting impulsively in violation of the law?
- Do you think it is more important for the prosecutor to seek a guilty verdict on the charge of murder and lose than to seek a guilty verdict on the charge of rioting and win a conviction?
- Do you think the prosecutor should have prosecuted everyone in the postcard photo?
- Do you think the prosecutor should have prosecuted the person who took the postcard photo?
- Do you think a business owner should fire an employee who was in the postcard photo?

- Do you think the decision of the community to spend money with a business that sold the postcard photo is a statement by the community as to how it feels about the rule of law?
- A rumor spread within the community that Irene Tusken had died from the injuries she sustained from the rape prior to the mob breaking into the jail. Do you think the individual(s) who spread the rumor bear(s) any responsibility for what occurred?
- Do you think Max Mason could receive a fair trial in the city where the lynchings occurred and where several people involved in the lynchings had been found not guilty for inciting a riot?
- Following their respective trials, Max Mason, Gilbert Henry Stephenson, and Louis Dondino all served sentences in prison at Minnesota State Prison – Stillwater (Mason served the longest sentence). What message did this send? Do you think this message was intentional?
- If Isaac McGhie’s family sued the City of Duluth for neglecting to protect Isaac from the mob, how do you think the City should respond given Isaac was a material witness and the City had previously defeated a claim by Clifford Jackson—Elmer Jackson’s father—who sued the City for neglecting to protect his son from the mob?
- In 1921, Minnesota passed an Anti-Lynching Bill. Why do you think this was not previously law? In 2020, an Anti-Lynching Bill passed in the United States House of Representatives. Why are Anti-Lynching laws still being considered today?
- How did this case compare to the Emmett Till or Tulsa race riots case?
- Why is it necessary to pardon someone 100 years after conviction?
- Why do you think the Duluth lynchings typically have not been a part of the curriculum in a Minnesota History course?

V. RESOURCE LIST

Resources for Option A (the lynchings, Max Mason trial, and Max Mason pardon)

1. [Who's Who](#) document
2. [Video of Jerry Blackwell introducing the history of the Duluth lynchings](#), which includes CBS Minnesota/WCCO media clip: "Minnesota's First Posthumous Pardon Granted to Black Man, Max Mason, Convicted in Century-Old Duluth Case"
3. Article: "On June 15, 1920, a Duluth mob lynched three black men," by Tina Burnside | July 29, 2019
[minnpost.com/mnopedia/2019/07/on-june-15-1920-a-duluth-mob-lynched-three-black-men/?gclid=CjwKCAiAl4WABhAJEiwATUnEFwBcpXPeqsMV8xeego8BBv7b33cnpJQnLAEec8vUrbw0IY2mv-8PhoCIMUQAvD_BwE](https://www.minnpost.com/mnopedia/2019/07/on-june-15-1920-a-duluth-mob-lynched-three-black-men/?gclid=CjwKCAiAl4WABhAJEiwATUnEFwBcpXPeqsMV8xeego8BBv7b33cnpJQnLAEec8vUrbw0IY2mv-8PhoCIMUQAvD_BwE)
4. Article: "Centennial remembrance of Duluth lynchings subdued - but hopeful," by Dan Kraker | June 15, 2020
<https://www.mprnews.org/story/2020/06/15/centennial-remembrance-of-duluth-lynchings-subdued-but-hopeful>
5. Video: "Minnesota governor marks 100th anniversary of Duluth lynching" | Nation Jun 15, 2020
[pbs.org/newshour/nation/watch-minnesota-governor-marks-100th-anniversary-of-duluth-lynching](https://www.pbs.org/newshour/nation/watch-minnesota-governor-marks-100th-anniversary-of-duluth-lynching)
6. History Center information regarding the lynchings, legal proceedings, and incarcerations
<https://www.mnhs.org/duluthlynchings/lynchings.php>
<https://www.mnhs.org/duluthlynchings/legal.php>
<https://www.mnhs.org/duluthlynchings/incarcerations.php>
7. Max Mason [pardon application](#), [letters in support](#) and the [pardon certificate](#).
8. Max Mason [pardon hearing](#)
9. Article: "Minn. grants state's first posthumous pardon to Max Mason, in case related to Duluth lynchings," by Dan Kraker | June 12, 2020
<https://www.mprnews.org/story/2020/06/12/minn-grants-states-first-posthumous-pardon-to-max-mason>
10. Article: "Century after Minnesota lynchings, black man convicted of rape 'because of his race' up for pardon," by Meagan Flynn | June 12, 2020
<https://www.washingtonpost.com/nation/2020/06/12/duluth-lynchings-mason-pardon/>
11. [Video of Corey Gordon discussing the Max Mason pardon](#)
12. [Suggested Student Projects](#)
13. [Discussion Questions](#) document

Resources for Option B (the lynchings and Max Mason trial)

1. [Who's Who](#) document
2. [Video of Jerry Blackwell introducing the history of the Duluth lynchings](#), which includes CBS Minnesota/WCCO media clip: "Minnesota's First Posthumous Pardon Granted to Black Man, Max Mason, Convicted in Century-Old Duluth Case"
3. Article: "On June 15, 1920, a Duluth mob lynched three black men," by Tina Burnside | July 29, 2019
minnpost.com/mnopedia/2019/07/on-june-15-1920-a-duluth-mob-lynched-three-black-men/?gclid=CjwKCAiAl4WABhAJEiwATUnEFwBcpXPegsMV8xeego8BBv7b33cnpJQnLAEec8vUrbw0IY2mv-8PhoCIMUQAvD_BwE
4. Article: "Centennial remembrance of Duluth lynchings subdued - but hopeful," by Dan Kraker | June 15, 2020
<https://www.mprnews.org/story/2020/06/15/centennial-remembrance-of-duluth-lynchings-subdued-but-hopeful>
5. Video: "Minnesota governor marks 100th anniversary of Duluth lynching" | Nation Jun 15, 2020
pbs.org/newshour/nation/watch-minnesota-governor-marks-100th-anniversary-of-duluth-lynching
6. History Center information regarding the lynchings, legal proceedings, and incarcerations
<https://www.mnhs.org/duluthlynchings/lynchings.php>
<https://www.mnhs.org/duluthlynchings/legal.php>
<https://www.mnhs.org/duluthlynchings/incarcerations.php>
7. [Suggested Student Projects](#)
8. [Discussion Questions](#) document

Additional Resources:

Documents

Max Mason Trial Transcript — download full document at:

https://www.mnhs.org/duluthlynchings/documents/Max_Mason_No_6785-228.001.php

Books

"The Lynchings in Duluth" by Michael Fedo. Second edition 2016 Minnesota Historical Society Press.

"The Lyncher In Me: A Search for Redemption in the Face of History" by Read, Warren. 2018. Borealis Books.

Articles

"The Trials of the Duluth Lynchers," by William D. Green

<http://collections.mnhs.org/MNHHistoryMagazine/articles/59/v59i01p022-035.pdf>

"100th anniversary commemoration of Duluth lynchings postponed by COVID-19," by Dan Kraker | March 31, 2020

[mprnews.org/story/2020/03/31/100th-anniversary-commemoration-of-duluth-lynchings-postponed-by-covid19](https://www.mprnews.org/story/2020/03/31/100th-anniversary-commemoration-of-duluth-lynchings-postponed-by-covid19)

“‘Very powerful’: Duluth lynching anniversary draws crowd to memorial. Minnesota Gov. Tim Walz and Attorney General Keith Ellison were among the people who visited the Clayton Jackson McGhie Memorial on the 100th anniversary of the Duluth lynchings,” by Christa Lawler | June 15, 2020
www.duluthnewstribune.com/news/6531748-Very-powerful-Duluth-lynching-anniversary-draws-crowd-to-memorial (Registration required)

“Minnesota’s Pardon Board clears way for posthumous pardon in case that sparked lynching,” by Torey Van Oot | December 17, 2019
www.startribune.com/undoing-the-harm-minnesota-pardon-board-weighs-rape-conviction-tied-to-1920-lynching/566261762/.

“Max Mason gets ‘long overdue’ posthumous pardon,” by Christa Lawler | June 12, 2020
<https://www.duluthnewstribune.com/news/crime-and-courts/6532876-Max-Mason-gets-long-overdue-posthumous-pardon> (Registration required)

“Max Mason gains pardon ‘100 years overdue’ in rape case that led to lynchings,” by Kay Jones | June 12, 2020
<https://www.cnn.com/2020/06/12/us/max-mason-posthumous-pardon-minnesota/index.html>

Podcasts

“The Duluth Lynchings” is a six-part series that looks at the events of June 15, 1920 and the effects of the mob’s violence against three black circus workers who were accused of raping a West Duluth girl.
<https://www.duluthnewstribune.com/news/6490067-News-Tribune-produces-podcast-covering-the-1920-lynchings-of-Clayton-Jackson-and-McGhie>

“The 1920 Duluth Lynchings” with Michael Fedo – A True Crime History Podcast
<https://radiopublic.com/most-notorious-a-true-crime-histo-GyZRpW/s1!370a4#t=120>

Videos

“DULUTH LYNCHINGS | 100 YEARS LATER,” presented by TPT and the Minnesota Humanities Center. An expert panel discusses the social, economic, and racial justice landscape which led to the horrific lynching of Elias Clayton, Elmer Jackson, and Isaac McGhie and the unfair trial of Max Mason in 1920 Duluth. Examine the failures of historic and modern criminal justice systems, barriers in today’s legal system, the devaluing of African American lives, and positive steps we can take as a society.
<https://www.tpt.org/duluth-lynchings-100-years-later/>

“North Star: Minnesota’s Black Pioneers Episode 1 Presence of the Past,” a documentary by Twin Cities Public Television (TPT)
<https://www.pbs.org/video/presence-of-the-past-7952/>

“C.J.: Duluth police chief’s relative told lie that incited 1920 lynchings”

Duluth Police Chief Mike Tusken embraces family connection to the most racist chapter in city’s history to teach lessons & bring change.

https://www.youtube.com/watch?v=JxmGWwpBE_8

History Center videos: <https://www.mnhs.org/duluthlynchings/videos>

Websites

CLAYTON JACKSON MCGHIE MEMORIAL

https://claytonjacksonmcghie.org/wp-content/uploads/2014/08/disc_guide-2-1.pdf

The Clayton Jackson McGhie Memorial is located on the corner of E 1st St & N 2nd Ave E in Duluth, Minnesota, and is open for the public to visit. The website includes a “Discussion Guide” for download, and a “Curriculum Guide” for high school history and language arts classrooms that outlines the events of the 1920 lynchings in Duluth and provides supplemental materials for use in classrooms. This 5-7 day curriculum guide helps teachers map the intersection of issues in race and class and demonstrates the impact of lynchings across the US. It also fosters critical literacy in the reading of historical documents, contemporary media, and literature.

MINNESOTA ATTORNEY GENERAL

https://www.ag.state.mn.us/Office/Communications/2020/06/12_MaxMason.asp

June 12, 2020 (SAINT PAUL) — Minnesota Attorney General Keith Ellison hailed the unanimous vote of the Minnesota Board of Pardons to grant a posthumous pardon to Max Mason. Mason, a traveling African American circus worker, was wrongly convicted on a groundless charge of rape in the aftermath of the public lynchings of three of his African American colleagues in Duluth. The lynchings took place on June 15, 1920, almost exactly 100 years ago.

Related Resources

The Innocence Project | innocenceproject.org/

The Innocence Project, founded in 1992 by Peter Neufeld and Barry Scheck at Cardozo School of Law, exonerates the wrongly convicted through DNA testing and reforms the criminal justice system to prevent future injustice.

Equal Justice Initiative | eji.org

Equal Justice Initiative (EJI) is a nonprofit organization founded in 1989 by Bryan Stevenson, a well-known public interest lawyer and bestselling author of “Just Mercy.” EJI works to end mass incarceration, excessive punishment, and racial inequality.

***All documents found in this packet of materials can also be found on the Open Doors webpage:**

<https://www.mnd.uscourts.gov/open-doors>