

Subject Files (File 648c): Duluth Lynchings, 1920
Investigation of the Lynching and Rioting on Tuesday night, June 15, 1920, at Duluth,
Minnesota. Conducted by Adjutant General W. F. Rhinow [Transcript].

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Investigation Conducted by Adjt.-Gen. W. F. Rhinow.

J.J. Cameron, Reporter,
Duluth, Minn.

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INDEX.

Beecher, Maj. Fred W.,	37
Magie, Frank L., Sheriff,	44
McKenna., W. E.,	13
Moerke, Capt. L. J.,	52
Nystrom, Jacob N.,	20
Schulte, Frank A.,	30
Stevens, Wm. Edw.,	1
Streeter, Leo E.,	27
Toewe H. W.,	4
Tracy, Albert W.,	49

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The above entitled matter came on to be heard at the City Hall, in Duluth,
Minnesota, on the evening of June 23, 1930, before Adjt.-Gen. W. F. Rhinow,

WHEREUPON THE FOLLOWING PROCEEDINGS WERE HAD, to-wit:

EDWARD WILLIAM STEVENS, called.

Examination by Adjt.-Gen. Rhinow:

Q. You are a detective, are you? A. Yes, sir.

Q. For the City of Duluth? A. Yes, sir.

Q. On the Duluth police force? A. Yes, sir.

Q. Where were you the night of the riot here, the night of the
lynching-affair? A. Until about 11:45, I was out to the West End, visiting
some people.

Q. You were off duty? A. Yes, sir.

Q. And you were called on duty? A. Well, I imagine I was;
someone called up the house for me, and I wasn't at home, and a gentleman that
was out there was coming down town. so I rode up with him and got off at the
station.

Q. To whom did you report when you arrived here at the station?

A. If I remember correctly, when I got up in front there was orders given---I couldn't say who gave the orders---for every body to come into the City Hall.

Q. You didn't report to Sergeant Olson, then, did you?

A. No., sir, not to my knowledge.

Q. Did you see Sergeant Olson in the police station at that time, if you remember?

A. I don't remember of seeing Sergeant Olson at that time.

Q. Had the lynching taken place before or after you came?

A. Before.

Q. Did anybody give you any instructions as to what to do?

A. We were instructed, while we were all in there, to go out and watch the front of the building, line up and take care that no one came in the building.

Q. You were in, civilian clothes, I suppose?

A. Yes, sir.

Q. You don't know who gave you those orders?

A. Well, now, I don't know whether it was the chief or the captain; both of them were there at the time.

Q. What time was that?

A. I imagine that would be a little bit before twelve; around 12 o'clock.

Q. Was that before or after the first negro was hanged?

A. Well, now, I wouldn't say, to my own knowledge. From what I heard, it was after the Negroes had been hung.

Q. During the day at any time, or rather, right after the Negroes were arrested, did you get any instructions from the chief

or the captain to make investigations around the city anywhere, to find out what the opinions of the citizens were pertaining to the Negroes in jail and to find out whether any action was being taken by the citizens to form a mob to lynch these fellows?

A. None whatever.

Q. You didn't receive any orders?

A. No, sir, because at the time I left the station was at 6 o'clock and I had been told that the chief and the captain and the chief of detectives had gone to Virginia, Minnesota.

Q. Well, at 6 o'clock you say you reported to the station here?

A. Yes, sir, reported off at 6 o'clock.

Q. There was no indication of anything going on that would show that there was going to be a riot or lynching-party, or anything like that, to your knowledge? A. None whatever, sir.

Adj. -Gen. Rhinow: That is all.

H.W. Toewe, called.

Examination by Adj. -Gen. Rhinow:

Q. You are one of the city detectives?

A. Yes, sir.

Q. Mr. Toewe, where were you on the night of the riot and the
lynching-party here?

A. I was right here in the station,

Q. You were in the station here?

A. Yes, sir.

Q. What time did you report to the station?

A. I reported back to the station about 7:30.

Q. Was that your night on?

A. No I am working days altogether; that was extra time that I was putting
in.

Q. You were called in for extra duty that night?

A. Yes, sir.

Q. In the anticipation of trouble, was it?

A. Yes, sir.

Q. Who ordered you in?

A. The sergeant in charge called me down; he said I had batter some
down.

Q. Sergeant Olson?

A. I guess that is who it was; he was in charge that night.

Q. It was Sergeant Olson?

A. It was, yes---I am not positive; it may have been the operator that told
me to come right down. I think now, when I come to remember, I think it was the
operator that told me that I had better come down.

Q. To whom did you report when you, came down?

A. I ,just walked right into the station and stayed there.

Q. Isn't it customary, when you are called on extra duty, to report to a certain man? A. No. I come in the station, and they see I was there, and that is all there is to it.

Q. You are not accustomed to report?

A. No, not when you are doing extra duty.

Q. You knew Sergeant Olson was in charge?

A. Yes, I saw him there; I knew he was in charge.

Q. Did you take any active part in trying to keep the crowd, the rioters, out of the jail?

A. Yes.

Q. In any way, shape or manner?

A. Yes, I did.

Q. Under whose instructions was that done?

A. Well, I don't know that anybody was giving instructions; everybody was doing the best they could, as far as I could see.

Q. During the day at any time did you know that there was any anticipation of a riot or a lynching-party being formed in any part of the city?

A. No, sir.

Q. You were not informed by the chief, or anybody in authority, to make investigations throughout the city?

A. No, sir.

Q. To make observations as to whether any crowds were congregating?

A. I was not, personally, no, sir.

Q. You did not personally know there were any crowds congregating anywhere? A. No, sir, I didn't.

Q. Which part of the building did you protect, or attempt to protect?

A. Well, when they were trying to enter the basement which leads into the garage, I was down-there with probably six or seven men, and they were trying to

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break in the doors. I had, braces against one door and my foot up against it, and
there were four or five men at the other door, which they were actual-

ly at. I told the boys there to use their clubs and which they did, and when the boys started to use their clubs, why, the bricks began to fly, or whatever they used to force in the door on the men, I don't know, but they got it in, and the bricks was flying so fast the boys couldn't stand it; there were four or five of them hurt by the bricks.

Q. Well, isn't is the custom, or rather, the regulation of the police department here that all officers, while in uniform, carry clubs and revolvers, and that the detectives just simply carry revolvers?

A. They all carry revolvers and clubs. I don't carry a club myself. I think sometimes my fist is better than a club; that is what I always found it was the best, and I have always used it when it was necessary. I never hit a man with a club in my life, but I have hit them with my fist.

Q. While bricks, stones and other missiles were being thrown was any attempt made by any of the police officers to draw their revolvers and shoot, in any way shape or manner?

A. Not that I see.

Q. Why not?

A. I wouldn't do it myself.

Q. You would not?

A. No; unless somebody else fired a shot.

Q. In other words, if a man threw a rock at you and hit you and knocked you semi-unconscious and you came to again and he was going to throw a second rock, you would let him throw the second rock?

A. If he went to throw the second one at me, he wouldn't throw it, no.

Q. You would probably pull your gun, then, wouldn't you?

A. Well, Probably I would and probably I wouldn't. I have gotten more murderers in this town than any man on the police force and I never fired a shot; and I have faced guns. I don't want to say that I am any braver than anybody else, but I will stand my ground, I don't like anybody to say that I am a coward, because I never was a coward.

Q. Nobody is intimating that.

A. There was a remark made at the station that night that the police were yellow. I will tell you that same man wont say it to my face alone; I will say that much.

Q. I don't know a thing about that.

A. I don't care who he is or what he is.

Q. Did you receive any orders whatsoever, from anybody in authority of the police department, not to shoot?

A. No, sir, I did not, for I haven't heard such orders given.

Q. Do you think the line of defense that was used there that night in defending the station was just right? A. Well, I think it was put up pretty well, yes, that the boys did all they possibly could

Q. If you had to do it over again, knowing the same situation was coming up, would you meet it in the same way?

A. I couldn't say, because I wasn't in charge.

Q. In your own personal opinion---?

A. The thing is over, and I am not going to give you my opinion of what I am going to

do or what I would do.

Q. You were saying, that you had never used a gun?

A. No. I haven't; I never f fired a shot at anybody---

Q. Now, wait a minute: You make your statement that you have never used a gun. Now, having it to do over again, you personally knowing the situation as a whole, would you have pulled a gun?

A. If I saw fit, yes.

Q. Under the same circumstances., would you use a gun?

A. If I saw fit to use a gun, I would.

Q. Isn't throwing of bricks a sufficient provocation to cause you to defend yourself?

A. I wasn't struck by a brick.

Q. Even if he struck you with it?

A. I probably would, yes.

Q. Even if the fellow standing next to you was hit and dropped, and was out, unconscious, you wouldn't shoot because you were not hit, is that it?

A. That is a different thing. There wasn't anybody unconscious. You are just surmising. I ain't under oath; I don't have to answer your questions, if I don't want to, Mr. Man.

Q. All right. All you have to do is to say you don't want to, then?

A. Well, I am giving you just the truth, but I ain't going to surmise nothing.

Q. I am just getting your opinion is all.

A. Well that is all right. I will protect the station, or anything else, as long as I am on this job. I have been on this job eighteen years. I have seen a little bit of service, and I have always

gotten credit for my work, too, from anybody that is over me since I haft been on it.

Q. Don't you think the trouble is, Mr. Toewe, you have got the wrong idea about this?

A. No, I don't think so.

Q. This investigation is not to make anybody out a coward, or anything of the kind?

A. That remark was made over at the police station that night by one of your men.

Q. Not by one of my men.

A. It was one of the men out of the service.

Q. That in his affair, not mine?

A. But he wouldn't say it to me, to my face, that I was yellow, because it would be him and me for it, if he did.

Q. Well, that is all right.

A. The way them men worked over there I don't believe they were entitled to be called such a name as being yellow, because they done all they could in their power, every one of them.

Q. You didn't hear anybody say anything about not using a gun?

A. No, I didn't.

Q. You heard that remark?

A. Yes, I heard that remark, and I was in this station from 7:30 on. I got home at 2:30 in the morning. I took the last three niggers that was in there; I took them out with the machine at 12 o'clock, when they had the other three up there, for fear they would comeback and get the other three.

Q. Isn't it an officer's sworn duty that he is to protect

life and property if he once becomes an officer and takes his oath?

A. Why, most undoubtedly.

Q. In your opinion, then, the entire police force protected life and property to the best of their ability?

A. That is what I figured they did, because when the men were all overpowered, why, of course, it was too late; of course, the thing was over.

Q. You were in the front end of the building?

A. I was at both front and rear, and upstairs.

Q. Then you reported, you were in the front part of the building, sitting there?

A. Yes, sir--I wasn't sitting. I may have been sitting there a little while, but I was back and forth, in the front and rear, and I was upstairs; that is about when they wanted to break into the detectives' office, the Bertillon room. I said, "There is nobody in here; if you will detail one man, I will take him in and turn on all the lights and leave him look around and satisfy you there are no niggers up there," and he says, "All right," and I opened the door and turned all the lights on and let this man look around. I don't know who he was; he was a stranger to me; and he come back and told the rest there was nobody in there; that is how we saved the upstairs.

Q. Was there a crowd gathering at 7:30, when you reported?

A. No. I wouldn't say that there were; I wouldn't say. They didn't start to gathering until probably after eight.

Q. Was there any attempt made to disperse the crowd?

A. Yes, there was.

Q. Who ordered the crowd to disperse?

A. I wouldn't t say whether it was sergeant Olson, or who it wag, but I know they were told to disperse, but they would move a couple of feet and move back again, and there you were. We finally ordered the fire department down, with their hose, and they cut the hose, and afterwards they brought two loads of hose down here, and there would be probably a hundred of them fellows grab hold of the hose and run a way with it.. We fought for the hose, back and forth, in the middle of the street, and three of them took hold of that and poured right into their faces, grabbed hold of the hose the firemen had and turned it right onto them. Not only that, but throwing bricks into them at that time.

Q. Do you know the names of the officers who were down in the basement who got struck with the bricks?

A. Mr. Stewart was one; he was hit on the shoulder, I think. Oh, there was four or five of them. Now, I don't just remember which ones of them they were. Mr. Stewart was one who was struck with a brick, up in here, (indicating) somewhere.

Q. And there was really nobody in charge that night?

A. In charge?

Q. Yes.

A. Well, the only one that---I didn't hear anybody being put in charge, but I figured that Sergeant Olson was in charge of the office; there is always one man in charge.

Q. You didn't get any orders from him, did you?

A. Why, no, he didn't give me any orders. I know that he was doing the ordering. He called up the fire department, to come down.

Q. Don't you have a custom here of seniority on the police force that when a number of officers come together that the senior one is in charge?

A. No, I haven't seen it that way here.

Q. There ways nobody in charge of the basement, then, when they broke into the garage?

A. Everybody was down there.

Q. Everybody worked for themselves?

A. Everybody worked for themselves, and I want to say, they stuck by one another, too.

Q. I just want an answer to the one question. If I want any more information, I will ask you for it. If you don't want to give it, all right.

A. No use getting huffy about it. I don't know who you are.

Q. I am representing the Governor.

A. That is all right. If I want to explain all of that, I should have the privilege of explaining.

Q. I will ask you for an explanation, if I want it.

A. If you want to put me under oath, all well and good. You put me under oath, and then I will answer questions.

Q. Then you are of the opinion that in a case of that kind it is not necessary to draw your gun and protect yourself with your gun, even if the crowd does overpower you?

A. I ain't giving any opinion at all of what may happen again.

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12 [sic]

Q. Well, the crowd overpowered you, and you didn't t pull pour gun, did you?

A. Well, I wasn't the only one that was overpowered.

Q. I am asking you that one question. The crowd overpowered you, and you didn't pull your gun, did you? A. why, no, we didn't pull our gun.

Q. I am saying "you," I am not saying "we"?

A. I, or nobody else did.

Adj.-Gen. Rhinow: Well, that is the answer I want. That will be all.

W. E. McKENNA, patrolman, called.

Examination by Adjt.-Gen. Rhinow:

- Q. Where were you on the night of the riot and lynching, Mr. McKenna?
A. At headquarters.
Q. Were you on duty there?
A. Yes, sir,
Q. What time did you go on duty?
A. At 4 o'clock in the afternoon.
Q. How long a shift did you have?
A. Eight hours.
Q. Go off at twelve?
A. Yes, sir, 12 at night.
Q. Where is your post or your beat, in the police station?
A. No, sir, I am acting as plain clothes man.
Q. Were you at the station all that time, from 8 to 12 o'clock
or did you go in and out?
A. I was in and out of the station, yes, sir, from 8 at night till 12.
Q. Where were you from 4 to 8 o'clock?
A. From 4 to 8? I was in the station from 4 till 5, then I was detailed on a
case from 5 till pretty close to 8 o'clock, when I come into the station to report.
Q. Who was in charge of the station when you were there?
A. Sergeant Olson.

Q. You take your orders from Sergeant Olson, do you?

A. On that shift; I do, yes, sir, if the chief of detectives is not there.

Q. Who was in charge of the station that night?

A. Sergeant Olson.

Q. You say you are a plain clothes man? A. Yes, sir.

Q. How long have you been a plain clothes man?

A. I have been acting in that capacity since the 13th day of February,
1920.

Q. Before you went on duty at 4 o'clock in the afternoon, where were you
before that time--home?

A. At 4 o'clock in the afternoon?

Q. Yes. A. I was home until about ten minutes after three.

Q. Did you hear any rumors before you went on duty, or after you went on
duty, from 4 to 8, that there was going to be a riot and lynching-party of any kind?

A. I heard that a little after 5 o'clock, that there was liable to be some
trouble.

Q. What kind of trouble? A. Well, that there was--some of the
bunch were talking about getting a colored man.

Q. From whom did you hear that?

A. From a couple of taxicab men, down on the street, on the Lyceum
Taxicab Stand.

Q. Did you report that to Sergeant Olson?

A. I told Sergeant Olson what I heard when I come into the station.

Q. At what time was it that you told him that?

A. I think it was about--it was between 7 and 8 o'clock.

Q. By that time the crowd had congregated out in front of the police
station?

A. No, they hadn't got right there when I got in.

Q. They hadn't congregated yet? A. No, sir.

Q. But there was a larger crowd going on either side of the

street than there usually was at that time, wasn't there?

A. Well, I am not absolutely sure of that.

Q. After the crowd started to work into the police station and to throw bricks or whatever missiles they could get hold of, where were you, in the front of the building., the rear of the building, or where?

A. When the crowd first started to congregate around the front, why, I went down the back end, into the entrance, into the garage, with Patrolman Webster, and him and I closed the big doors in the garage.

Q. Who else was down there with you?

A. That is the only party that I can remember that went down with me, that I see down there at that time, when we went down to close the garage door.

Q. Did you stay down there the rest of the time?

A. No, sir.

Q. Where did you go from there?

A. I came back upstairs.

Q. Then what did you do?

A. I was in the chief's office for a while, answering the telephone; there was calls coming in.

Q. Where were you when they finally broke into the jail and the police station? A. Into the front end?

Q. Yes.

A. I was on a hose line in the front door.

Q. You were on that hose line at the front door?

A. Yes, sir.

Q. You had your civilian clothes on?

A. Yes, sir.

Q. You didn't t have any uniform on?

A. No, sir.

Q. Did you have your revolver with you?

A. Yes, sir.

Q. Did you have a club with you?

A. No, sir, I never carry one.

Q. When they came in pretty thick there and started banging around from place to place, why didn't you pull your gun and use it?

A. I couldn't tell you that. I don't know why I didn't.

Q. Did you receive any orders not to shoot under any circumstances, from anybody?

A. No, sir.

Q. Did you hear a rumor around, at any time from the time you went on duty until 12 o'clock that night, that under no circumstances were any guns to be pulled?

A. There was a rumor around the station, yes, sir.

Q. Or any shots to be fired?

A. After that, yes, sir.

Q. How did you get that rumor?

A. Why, it was amongst the men.

Q. You don't know where it originated from at all, then?

A. No, sir.

Q. After the crowd had gotten beyond control of the few men who were in front there, what did you do then?

A. I stuck out there until they cut our water-line on us and the bricks got so blame thick couldn't stand them, and had to move.

Q. Where did you go--to the rear end of the building then?

A. No. I moved inside the hall.

Q. And crowd came in so fast you couldn't hold them?

A. Sergeant Olson stuck at the door with the empty hose until they come through the line and the door busted in, and then we backed up.

Q. You knew they were trying to get those Negroes, didn't you?

A. I had a faint idea, they were, yes, sir.

Q. I presume you also know that it is a custom here in the City of Duluth, the same as it is any other place, that an officer must take an oath to protect the life and property at all costs?

A. Yes, sir.

Q. I was informed that there were about six or seven men trying to protect the front of the building and also protecting that hose line that ran from the corner to the station, which, I will say, is about 75 or 100 feet. Was that all the men that were there, to your knowledge?

A. Well, I doubt if there was that many at the time I was there.

Q. The rest of them were probably around the building somewhere, so far as you know, trying to protect all sides of the building?

A. I presume they was.

Q. Did you stay in the hallway any at all during this time?

A. What time do you mean?

Q. During the time that the crowd was going on through and getting the Negroes out?

A. No, sir.

Q. Where did you go?

A. I was out--after I lost my foothold there at the front door I moved out into the crowd and tried to size up some of the bunch.

Q. Did you find that you knew anybody there?

A. Why, I knew quite a few of them there; they was standing around.

Q. You didn't know any of the gang that got in, though, and burst through?

A. Not positively, no, sir.

Q. How many rounds of ammunition do you carry?

A. Six.

Q. No extras?

A. Very seldom.

Q. Was there any extra ammunition issued that night, prior to this affair?

A. If there was., I don't know nothing about it.

Q. You didn't get it?

A. No, sir.

Q. Was there anything said about using those rifles that were in the
building there, prior to the riot?

A. Not that I know of.

Q. Did you know those rifles were there?

A. Yes, sir.

Q. Did you make any suggestion yourself as to their use?

A. I made a suggestion there once, but it wasn't taken up at all.

Q. Do you know to whom you made it?

A. I just can't recall who I made it to.

Q. Now, Mr. McKenna, don't you think that, on account of a little fracas
that happened sometime ago, when a man was shot, that the boys around the
police station were a little reluctant about using a gun?

A. Yes, I do.

Q. That had quite a bit to do with it?

A. Yes, sir.

Q. They didn't want to go to shoot anybody unless they knew they had to
do it, is that it?

A, Yes, sir.

Q. That was sort of sent out to the boys in the station, wasn't it?

A. We all had that feeling. I had quite a case myself here six mouths ago, the same kind of a deal.

Q. How long have you been on the force, Mr. McKenna?

A. I went on the first day of September, 1914.

Q. Well, now, your opinion is of considerable value. Would you think, if you had six men at the front door and four at the back, and they used their guns, what is your opinion--do you think they could end it?

A. No, sir.

Q. Nobody could have ended it?

A. No, sir, not with that crowd.

Q. On the other hand, Mr. McKenna, in the excitement there was a lack of co-operation among the boys, isn't that true?

A. I could not truthfully say that, no, sir.

Q. Don't you think there was a little lack of system?

A. I couldn't say that.

Q. Well, now, that would be lack of system if they had only a few men at the front door and at the back door, wasn't it?

A. I believe there was a few at the front and a few at the back, wasn't there?

Q. Yes, there were for awhile, but they didn't use their guns, did they?

A. No, sir.

Q. That is why the crowd got in, wasn't it?

A. No. doubt of it.

Adjt.-Gen. Rhinow: I guess that is all.

JACOB N. NYSTROM, Patrolman, called.

Examination by Adjt.-Gen. Rhinow:

Q. Mr. Nystrom, where were you on the night of the riot and the lynching?

A. I was right in the station and outside the biggest part of the time.

Q. What time did you go on duty that night?

A. Why, I am on days this month. We got through at 4 o'clock, and I had already gone home, and was notified to come back and report for duty right away, and I think I received that telephone call about 7:30 or 7 o'clock.

Q. What time did you report for duty?

A. About 7:30.

Q. About 7:30?

A. Yes, sir.

Q. Are you a plain clothes man?

A. No, sir, uniform man.

Q. When you got to the station, to whom did you report?

A. To Sergeant Olson.

Q. What duties did Sergeant Olson put you on after you reported?

A. He put me and five more in front of the station, and not let anybody come into the station.

Q. There were seven, all-told, including Sergeant Olson, at the front of the station?

A. The Sergeant was in front of the station, inside, but we were placed outside.

Q. When the rioters started to mob the police station and the jail what did the sic men do. there? Did the try in any way, shape or manner to keep the crowd out?

A. We done everything we possibly could to prevent the crowd from getting into the

station, without shooting.

Q. Without shooting?

A. Yes, sir.

Q. Did you have orders not to shoot under any circumstances'?

A. Yes, sir.

Q. Who gave you those orders?

A. Sergeant Olson.

Q. Did Sergeant Olson, when he gave those instructions, tell you why you
were not to shoot?

A. No, sir.

Q. He didn't give any explanation at all?

A. Not that I can think of or remember.

Q. How long have you been on the force?

A. I have been on the past five years.

Q. Don't you think, with the experience you have had--your experience is
quite valuable--but having been on that length of time if you had pulled your
guns, don't you think you could have held the crowd back?

A. It was impossible.

Q. You think they would have come, right in the face of guns?

A. Yes, sir. I heard them make several remarks in the crowd they were
going to break into that hardware store right across from there and get all the
shotguns and rifles and ammunition.

Q. You heard them say that?

A. Yes, sir.

Q. Do you know the fellows who made that remark?

A. No, I don't; there was so many around there; it was hard telling who
was talking.

Q. Did you recognize any of them who were in the crowd there?

A. Yes, sir.

Q. Did you report their names to the chief of police?

A. Why, I went up to the county jail twice, and I identified two different parties up there; and I also testified to that in front of the grand jury.

Q. Oh, you were before the grand jury?

A. Yes, sir.

Q. Where did you go after the crowd got in and burst the door open?

A. I was struck by a rock--or, I mean, a brick; and after they succeeded in getting in I tried to get in myself, to the main jail, where I saw them working on, but the crowd was so thick there was no possible chance to get that far, and I had only one arm after that. The brick struck me right on the elbow and after that I couldn't lift that arm at all, I couldn't use it whatever, and I didn't succeed in getting as far as the jail.

Q. What did you do after that?

A. Why, I couldn't do very much after that.

Q. You went outside then, eh?

A. Why, I just were in I amongst the crowd there, to try to stop the leaders there.

Q. And you stayed right in the hallway there?

A. Yes, sir.

Q. Did you see them when they brought the Negroes out?

A. Yes, sir.

Q. Did you know about those rifles being downstairs in the police station?

A. No, sir.

Q. You didn't know about that?

A. No, sir.

Q. It those six men had had rifles, with bayonets on them, do you suppose they could have kept the crowd back?

A. No, sir, it was impossible.

Q. It could not have been done there?

A. No, sir.

Q. If you had shot low with your revolvers, not trying to kill anybody, but low, don't you suppose the crowd would have stayed back?

A. Why, that would have started the trouble right there.

Q. How do you mean?

A. I am pretty sure that the biggest part of us police officers would be shot and killed.

Q. That is the reason you didn't pull your guns; is that the idea?

A. Well, that was our orders.

Q. If you hadn't had those orders, Mr. Nystrom, do you think you would have used your guns?

A. No, sir, I don't think so.

Q. For fear of being shot?

A. No, sir, not that, but it would not have been a good policy.

Q. Didn't you subscribe to an oath that you will protect life and property and use every effort to do so?

A. Why, yes, but by doing that I would not have protected any life; it would have been a lot of life lost, without question.

Q. Those Negroes were in jail there, under the protection of the police department of this city, and they were taken out of there and hanged?

A. Yes sir.

Q. Without, you might say, any resistance--with a small resistance?

A. Well, we done everything we possibly could, without shooting. If we had done any shooting, we would have had to shot right into a crowd of women and children.

Q. You mean to tell me there was a crowd of women and children in front there?

A. Why, I saw several children around there.

Q. How far back?

A. Why, I should judge about fifteen or twenty feet, perhaps twenty-five; a lot of women around there.

Q. But within that distance---there were no women within twenty-five feet?

A. Why, Officer Olson, and a few more, held the crowd back with the water-hose, then there was hardly anybody within that distance.

Q. Right in the front line of those rioters were women?

A. I saw one or two right in the front line, and I also heard them holler, and that sounded like they were in sympathy with these men, And I know that right on that picture there, that was taken after the niggers were hung, there is a woman right by the pole, within a few feet of it.

Q. Do you gentlemen of the police department have pistol practice?

A. Yes, sir, but not lately.

Q. But you have had considerable, haven't you, since you have I been on the force?

A. I have had some, yes, sir.

Q. In other words, if you had drawn your gun and aimed at a man, you think probably you would have hit a woman; is that the idea?

A. Why—

Q. In other words, you are a poor shot?

A. Well, people were running back and forth; they were not standing still, and it was a very hard thing to aim in particular; they were running

back and forth there as fast as they could in one mass, the whole works.

Q. How many rounds of ammunition did you have with you that night?

A. Why, I had about--Oh, about four or five rounds, I should judge.

Q. Did you have your gun full?

A. Yes, sir.

Q. Six in your gun?

A. Yes, sir.

Q. And you had about four more complete, full loads?

A. Just about.

Q. About twenty-four shells?

A. Just about.

Q. Were any of them issued to you prior to the riot, or was that amount
some you had had?

A. That was the first thing I done, when I got into the station, I went to get
some ammunition.

Q. So that your first intention was to protect the building, by firing, if
necessary, wasn't it?

A. Well: I didn't know what would arise. For that reason, I didn't feel that
one round would be enough; for that reason I got some more.

Q. But you thought you--Did you think you would have to use your gun
when you first started out?

A. Why, I didn't know for sure; for that reason, I got some more. I didn't
know whether or it would be necessary, or not, but I played safe; I thought I
would get some more.

Q. To play safe, you got the extra ammunition?

A. Yes, sir.

Q. Did you receive orders not to shoot?

A. Yes, sir, I

did; that was afterwards.

Q. After you got the ammunition, you received orders not to shoot?

A. Yes, sir.

Q. Under any circumstances?

A. Yes, sir.

Adjt.-Gen. Rhinow: That will be all. I thank you.

LEO E. STREETER, called.

Examination by Adjt.-Gen. Rhinow:

Q. What is your business Mr. Streeter?

A. I am City Editor and Night Editor of the "News Tribune."

Q. Mr. Streeter, did you see any of this excitement around here the night of the riot and the lynching-party?

A. Yes, sir, I was here, except at intervals, from 8 o'clock until after the first lynching took place.

Q. You were a newspaper reporter prior to becoming Night Editor, were you not?

A. Yes, sir, I had served about seven or eight years.

Q. In the newspaper game?

A. Yes, sir.

Q. Have you ever been through any other riot in any other part of the country, Mr. Streeter?

A. No. not a riot of this size, or nothing of that sort. I have been through police troubles.

Q. You have been a police reporter?

A. I have been a police reporter for about two and a half years, I think it was.

Q. On what paper?

A. On the "Minneapolis News."

Q. Did you interrogate the chief of police, or any other police officers here, that night or early the next day?

A. I questioned Lieutenant Barber that night, and Mr. Murnian the next afternoon.

Q. Just what was that conversation with Lieutenant Barber?

A. I asked Barber what he was going to do. He says, "I don't

think there is a hell of a lot we can do . They were--at that time there were two men in the street with a hose that failed to work, they couldn't get the water and they got a nozzle, they stole a nozzle off the wagon, and then they came towards the police station with this hose. I asked Barber why they didn't pinch these two men. He says, "I'm afraid if we do, we'll start a riot;" and I asked him if they were going to

use guns. He said, "No." And I didn't ask him at that time by whose orders. I asked him if they were not going to use guns, and he said he was afraid that they would start real trouble if they did.

Q. Lieutenant Barber told you that?

A. Yes, Barber.

Q. You had an article in the "News Tribune." I believe it was, Mr. Streeter, that Public Safety Commissioner Murnian had made a statement that he had issued orders that under no circumstances were any of the police officers to use their revolvers. Did he make that statement to you sir?

A. He did in this way: The "Herald" carried the story--this was the following afternoon. I came in, and at the same time he had just gotten the paper and was reading the story, and after he read it through, I asked him if it was correct. I was reading it thru at the same time, with a paper of my own. He says, "Yes, it is, as far as a newspaper man ever gets a story right." He says, "If we hadn't stopped the use of guns, I am afraid there would have been a lot of people killed; there would have been

more than just the three niggers." He questioned me then as to why we gave Barber credit for handling the crowd that night, and he said that Barber didn't take charge, that he personally had handled the men during their work, that is, during the riot.

Q. And he told you directly that he issued the orders that under no circumstances were any shots to be fired?

A. He didn't put it in as many words. He said it that way.

Q. It is customary, is it not, Mr. Streeter, in newspaper work of that sort, where the paper carries a statement, to ask the man who had made the statement to repeat it, or to confirm or deny the same--isn't that the custom in your work?

A. It is the custom. I asked him if he had any corrections or changes to make in the statement, and he said he had none.

Q. So far as you were concerned, you would print that as his statement?

A. Yes, sir.

Q. Coming from him direct?

A. Yes, sir.

Adjt.-Gen. Rhinow: That is all. I thank you.

FRANK A. SCHULTE, called.

Examination by Adjt.-Gen. Rhinow:

Q. Mr. Schulte , where were you the evening of the riot and the lynching-party here?

A. At Virginia, Minnesota.

Q. What time did you leave for Virginia?

A. Two minutes after twelve.

Q. You went with the chief of police, I understand?

A. Yes, sir.

Q. What time did you get back to the station here?

A. We got back to the station at--I believe it was about a quarter to twelve, midnight.

Q. That was after the first negro was hanged, is that true?

A. Well, I don't know just when any of them was hung. We left here just exactly two minutes past twelve, because I looked at my watch; I wanted to see what time we would make going to Virginia, and up to that time I hadn't heard anything, there was no complaints of any kind, and having the matter fresh in hand it was my duty to proceed to apprehend the balance of the Negroes; for that reason, we started. If we hadn' t went with an automobile, would have had to wait till 3 :50, but we beat the train. We were in Virginia before the train left Duluth.

Q. You are the chief of detectives here, aren't you?

A. Yes, sir.

Q. There were no reports brought in to you prior to your departure from here a few minutes after twelve as to any intimation

of the proposed riots or lynching, of these Negroes--you didn't know a thing about that.

A. None whatever.

Q. None of your men brought any information to you?

A. I hadn't heard a thing up to that time. The first that I knew of anything was when we met Commissioner Farrell on the road, coming back with four of the Negroes, out near Rice Lake. Then things seemed to be quite serious, from what the commissioner said, and we turned the Negroes over to Mr. Farrell and a friend he had with him, and I believe the chief gave Mr. Farrell a firearm, and we came to town, and knowing that they were smashing up everything, we took our car to fire headquarters and walked down.

Q. It was practically all over with when you arrived here, wasn't it?

A. They were still in the cell-rooms and in the hallway, quite a crowd. We rushed right into the big door, the captain and the chief and I. It was hardly possible to get thru the crowds and pushed the captain in as far as the door. We tried to call on some of the citizens to aid us, but none of them seemed to respond. We then left from the doorway of the big jail and went into the chiefs office, to hold a consultation, and tried to use the telephone, but it was out of order. In fact, I believe all of the telephones in the building were, and I said to the chief, "I believe I saw the janitor outside here; we might get in the City Hall." We came over here, the captain and the chief and I, and tried to do some telephoning, but they

were unable to get anyone. We had a little conference there, and we decided to call all the police that we could find and devise some plan or take some action. We did that. We got about twenty, twenty-two or twenty-five men, intending to go over and try and clean the place up. When we got over there--in the meantime I had looked out through the engineers room, across into the cell-room, and I suggested that they were evidently leaving. As soon as we got all the men, we started over to the jail and got in it. There was a few stragglers left, and what was left in there we chased them out, and we got some old muskets up there in the store-room,--we got them down and got a bayonet on them.

Q. They were up in the store-room?

A. They were up in the store-room, yes, under lock and key, and the clerk was there at the time, and he had a key to the store-room, and we brought them down and lined the men up in front, and as soon as we lined the men up with the guns, outside, we didn't know whether they were going to come back again or not, so we immediately got one of the cars ready, that was considerably damaged, the only car had left, although the engine was running and the tires were all right,, got the three Negroes out when the coast was clear and got them away.

Q. Those are the three that were taken over to Superior, weren't they?

A. Yes. The crowd seemed to be coming down the hill again, but when they saw the officers---I don't know

whether they intended to come over again or not---but they seemed to stop, that seemed to stop them--I don't know that their intention was, any further than that, but it seemed to stop right there.

Q. Mr. Schulte, due to your unfortunate incident that you had a little while ago, isn't it true that the majority of the police officers on the Duluth force were more or less timid in using their revolvers the night of the riot?

A. Well, I could not say as to that, General. I never talked with any of them about it. In fact, I talked very little about it, about the sad affair. It was regrettable on my part. I think it was pure and simple an accident.

Q. I didn't mean to hurt your feelings on that. You understand that?

A. Yes.

Q. You say that when the crowd came down the hill again and saw these officers with the rifles and bayonets, that you feel that that is what stopped them?

A. Well, I wouldn't say that altogether. They didn't come any farther. They had--the officers had orders to keep them off of this side of the street, and keep them beyond the car tracks. We had one or two men stationed at the corner directing them that if they wanted to pass, they had a perfect right to pass to the other side, but didn't want them in front of the police station, and there wasn't any one of them came.

Q. Don't you think that if you had had that same equipment

out in front of the station prior to the riot that you would have been able to have stopped them?

A. Well, I don't know.

Q. Your experience on the force is long, as I understand it?

A. Yes.

Q. And your experience is valuable. Don't you think, with the experience you have had in handling crowds, that that would have stopped them, even though you may not have had to use them, don't you think that the sight of all that equipment might have stopped them?

A. It might have stopped them, although at the time I don't believe there was so very many there. From what I have talked with the boys there were very few of the men there. They telephoned them and tried to get them in as quick as they could and try and help do something, but it seemed they didn't respond quick enough.

Q. Was there quite a little preparation made for a possible riot?

A. As far as I know, there wasn't anything made, only we were trying to get the balance of the Negroes. As far as the riot was concerned, I don't suppose that anyone anticipated anything like that, especially up around this part of the country.

Q. You were in Virginia, Minnesota?

A. Yes, sir,

Q. Were you in the same car with the chief and Captain Fiskett?

A. I was.

Q. Did you hear Captain Fiskett, on the way up there, advise the chief to phone the office and see if there was not some rioting, or possibility of it?

A. We talked of that, to keep

in touch, and the captain did advise the chief, or asked him, suggested to him, rather, that it was a good idea to telephone down, and the chief did telephone. I think it must have been a little after half-past 3, directly after we got there, but there was some mistake. We were in the chief's office, at Virginia, and the call came in at the desk in the jailer's room, and the call was delayed, so the captain went to the jailer, or the man in charge, and asked him if that call had come in yet, and he said, "No," and he said, "Make him call again." In a few minutes the chief got the call. I didn't hear the conversation, what took place over the telephone.

Q. You didn't hear what the chief told Sergeant Olson?

A. No.

Q. I am not familiar with police customs, but during this inquiry it has impressed me as being sort of strange that sergeant Olson should be in charge of this station with a lieutenant on duty?

A. I don't know what time the lieutenant came. The sergeant would be on duty until the lieutenant came, arrived.

Q. Upon the arrival of Lieutenant Barber, did he automatically assume command of the station?

A. He should.

Q. Then the senior officer present at the police station automatically takes command whenever he is present?

A. Yes, sir.

Q. Regardless of what time of day or night it is?

A. Yes, sir. That is, if he is on duty.

Q. But, in cases like during the riot, he should have taken

command?

A. He should.

Q. Would that automatically place the commissioner in command when he got there?

A. The commissioner is, in my judgment--I wouldn't say that it would put him in command, for the reason that he has other branches in his department; they are police, fire and health.

Q. In other words, Mr. Schulte, if the commissioner came in and gave you an order even while the chief may be sitting there, you would accept it from him, without it coming through the chief, would you not.

A. Well, that depends. It might be a direct violation of police regulations. If he would ask me to do a certain thing and I felt that it was not my duty to do it--say, for instance, he would want me to go and arrest some fellow, I have no right to arrest that man for a misdemeanor without a complaint or warrant, and he might instruct me to do it, and under the law I have no right to.

Q. Well, if he told you not to do a certain thing in the line of police regulation, would you accept it as an order?

A. I am a police officer and sworn to do my duty and to uphold the law, to protect life and property, and as an officer it is my duty to carry that out.

Q. Regardless of what orders you may receive?

A. Yes.

Adjt. -Gen. Rhinow: That will be all. I thank you.

MAJ. FRED W. BEECHER, called.

Examination by Adj. -Gen. Rhinow:

Q. What is your business, Major--In civil life, I mean?

A. The wholesale paper business.

Q. How long have you lived in Duluth?

A. Since about the 25th of April, this year.

Q. Prior to moving to Duluth, you lived where?

A. Minneapolis.

Q. What business were you in--whom were you connected with there?

A. I was in the wholesale paper business, with the McClellan Paper
Company.

Q. You are a member of the Minnesota National Guard?

A. I am.

Q. And you hold the rank of Major in the First Minnesota Field Artillery?

A. I do.

Q. Prior to being a Major in the First Minnesota Field Artillery, you were a
major in the Fourth Minnesota Infantry, as I understand?

A. I was.

Q. During your term of office as Major in the Fourth Minnesota Infantry you
were in charge of troops in connection with several calamities and also minor
gatherings of crowds is the anticipation of becoming a riot in the State of
Minnesota?

A. I was. I might add, that as a Captain in the same regiment I had a little
more experience along that line than I had as a major.

Q. So you are quite familiar with the manner of mobs conger-

gating, you have seen in advance an anticipated riot, you might say?

A. I have made a very close study of the subject. Have studied the history of practically all riots that have taken place in the United States in the past seventy-five years.

Q. In the evening of Tuesday, June 15th, the date the riot and lynching took place here in Duluth, when did you first notice that there were crowds congregating in front of the police station of this city?

A. I remained at the office until quite late and went out to get some dinner, and I went into the Congress Cafe for dinner. I came out and came up to the police station, feeling that there might be some trouble up there. I had made the remark to the secretary of my company --we were hearing of this assault--that it looked to me like there would be an attempt at lynching. So, immediately upon leaving the cafe I came toward the police station and upon arriving within about three blocks of the station I saw the water pouring, into the front of the building. Upon getting up here, I found the front windows all. smashed in and the crowd surging into the hallway. I went through the crowd, -- I was in civilian clothes, naturally,--and brushed around and took hold of fellows, to find out whether any of them were armed in this crowd that was out in front of the station; I felt their pockets, and I did find a few with what I thought was guns, but a very small number. The crowd impressed me as being the most orderly crowd for that type of mob that I have ever seen.

Q. Let me ask you a question there, before you go on Major Beecher, you say it was an orderly crowd for a crowd of that kind at that time. In your opinion, if the police department had taken action right then and there, called in all their reserves and what other available men they could have called in from outlying beats, without leaving the city wholly unprotected, had called all those men in, and ordered this crowd dispersed, it could have been done at that time?

A. With proper equipment, yes, sir. I believe that twenty-five men, in my opinion, could have handled--could have protected that building against that very crowd, and I looked them over very carefully.

Q. In your opinion, Major Beecher, do you believe that if a proper person had been in charge of the police station at that time this unfortunate incident would not have occurred?

A. It is my opinion, that had they been properly commanded the men of the police department, while totally unorganized, could have been equipped with the equipment that I later found in the building, and could have saved the --and could have protected the building from any entry.

Q. And the crowd could have been dispersed without any bloodshed whatsoever at that time?

A. Had the police dispersed the gatherings as fast as they were organized and cut off the entire district surrounding this station, which could very easily have been done they would not have been able to get within a block

of the station, so say nothing of getting into the building.

Q. Will you proceed, Major Beecher, where I stopped you there?

A. Yes, sir. The yell went up from somebody in the crowd that they had better hurry up or the militia would be there. Naturally, I felt it my duty, as a member of the National Guard, to get in touch with my organization, or with the Adjutant-General's office in St. Paul to ascertain if troops had been called for. I attempted to get into a number of stores around the block, to get a long-distance connection, but I found long lines at every telephone, so I went down to my own office, which is located down on Michigan street, where it was quiet, and asked the long-distance operator if she knew if troops had been called. At first, I was informed that information of that kind was not given out, but when I insisted upon having this information and identified myself as being interested, I was connected with some person at the long-distance office, who told me that to their knowledge no connection had been made with the State Capitol for the purpose of asking for troops. I immediately put in five calls, for the Governor, for Adjutant-General W. F. Rhinow, Maj. Harry L. Brady, Col. Geo. E., Leach, and Col. Henry A. Bellows, the latter being out of the service, but being a former commanding officer of my regiment, an expert on riot tactics and a man whom I knew would get action regardless of the hour at night, being particularly interested in handling conditions of this kind, and I was fortunate in getting connec-

tions with three of the five. Upon talking to the Adjutant General, I was informed that it would be impossible to send troops unless asked for by the sheriff whose name I didn't know at the time, nor whom I didn't know by sight, first, by calling his home and being informed that he was at his office, and I asked the sheriff to come immediately to my office. Again calling the Adjutant-General, who was on duty at the State Encampment at Fort Snelling, I held the wire until the arrival of the sheriff who immediately verified the statements that I had made with reference to the immediate need of the dispatching of the troops to this city, and he made the request that the same be sent. At the same time I was ordered upon duty myself, and I spent the rest of the night making arrangements for the arrival of the troops or for the transfer of those troops to Virginia, in the event that trouble started there. I was getting numerous reports of the situation at that point. Having completed the arrangements for--or, having completed my phoning, I immediately returned with the sheriff in his car to the scene of the rioting, at a time that the last two Negroes were being taken up the hill. I left the sheriff's car and went up the hill and learned from some rioters that they were coming back to get the other three

who were left, inasmuch as some of them expressed the opinion that they didn't have all of the guilty. I immediately left the scene and returned to police headquarters, where I found rifles of the United States Army Model, 1873, Caliber 45, Springfield, with fixed bayonets, being issued to the men on duty. I suggested to the chief of police that steps be taken immediately to disperse any further gatherings which at that time were forming from the crowds coming down the hill from the scene of the hanging, and I was told by him to go out onto the sidewalk, where a part of the patrolmen had already gone with their rifles, and to take a sufficient force to clean out the block. I informed him that I was not known by any of these policemen and didn't expect that they would accept instructions from me. To the best of my belief he himself went out onto the sidewalk then and instructed the patrolmen to accompany me in clearing the street. We immediately went up to the corner of Second Avenue East and Superior Street and threw a line of skirmishers right across the street, stationing two men of the guard at that corner to permit no one to form into further crowds, and went on down, through the block to First Avenue East, breaking up all gatherings and keeping everybody moving. At the corner of First Avenue East and Superior Street, I instructed two patrolmen to remain there, whom I found very efficient, and upon returning to the corner at least an hour and a half or two hours later, found them still on duty, although the crowd had been dispersed. The

Adjutant-General ordered as to get in touch with Colonel Weaver, of the Home Guards, and have him order out his organization, and to also get in touch with the commanding officer of the tank company and to order them upon immediate duty. I was unable to reach Colonel Weaver over the telephone, but met him in the hallway of the station upon my return to the station and gave him your instructions. I then left, after the streets were cleared, for the armory, where I was fortunate in locating Captain Moerke, of the tank company, and gave him orders that he mobilize his unit. I left there and went to my room and changed clothes and dressed in my uniform.

Q. It is your opinion, then, Major Beecher, that if the proper steps had, been taken by the police department in organizing and calling in all the reserves, that this entire unfortunate occasion would not have happened?

A. It would not have happened. I base that opinion upon the experience of other cities, where a lot more serious rioting was anticipated than that the other night, which was prevented by proper preparation.

Adjt.-Gen. Rhinow : That will be all.

FRANK L. MAGIE, sheriff of St. Louis County, Minn., called.

Examination by Adjt.-Gen. Rhinow:

Q. Mr. Nagle, I understand you were out of the city at that time, were you?

A. No; I was in the city.

Q. Did the police department make any call upon you for assistance during that tins?

A. I think it was about 8:30 or 9 o'clock, somewheres along there, I had a call from the police department, saying that they expected trouble down to the police station and that a mob was congregating and they would like to have some assistance, and I immediately tried--I got two or three of my men that I could get on the telephone, and left orders for my wife to call up my driver and send him down to the station and had--we had a list of the deputies and I had her call up the rest of the deputies and send them down to the police station. At the time that I got to the police station the mob had congregated here on the avenue, (2nd Ave. E.), mostly out in the back, and I think there was quite a considerable--I didn't get around to the rear, but the police were playing with the hose and had it attached to the hydrant down here and had it inside, squirting water down that crooked stairway, and bricks were being fired up that stairway. The crowd kind of seemed to come in towards, the station. I got back there and tried to prevent them, myself and two deputies, and Mr. Barber, I think, was the only one that was in the street at that time. We were succeeding in keeping the crowd back there until the water came out from the station. They had brought their hose back, and of course then, when the

water--of course, in the meantime this fire wagon had come down with a line of hose, and the crowd had grabbed the hose away from the firemen and, took it all up the hill, while they tried to get a stream of water, but they didn't get any water to amount to anything. It was just a small stream of water coming out of this hose. Of course, when the police came out with that other hose, us fellows in the street had to get out of the way or got a drenching, and we got out of the way. Well, I stood around there a few minutes and then the--I think about that time, before they broke in, the report came to me that about forty automobiles were going to Virginia to get the rest of them, and I got hold of my driver and went up to the jail to telephone to Virginia. And, of course, there were rumors that they were not there, that they had taken them out and taken them to the county jail, and when I got up to the jail I immediately telephoned to the police department at Virginia, and these colored men, I afterwards learned, were in the county jail at Virginia, in charge of my deputies. I notified the police at Virginia to get in touch with my deputies and acquaint them with the situation, that it was rumored that a great many automobiles had left here for Virginia. While I was telephoning, my wife came in with the telephone message to call a certain number. I called that number and got Major Beecher. And in the meantime I got some rifles that we had boxed up there in the closet in the jail and got those out and got them loaded, in case of an attack on the county jail, and then I jumped into the

automobile and went down to Major Beecher's office and got into communication with you--I think he had you on the line at that time. And by the time that we got back to the police station, why, I understand that they had just got the other two Negroes and hanged them.

Q. What time was it, about, Mr. Magie, that the police department asked for assistance?

A. Well, I think it was around 8:30 or 9--I think it must have been about 9 o'clock; somewheres along in that vicinity.

Q. You had some Negroes up in your jail, too, did you, at that time?

A. No, we didn't have any up there, but it was reported on the street that they had taken them out and taken them to the county jail.

Q. Then you used all of your available men, outside of what you let the chief of police have, to protect your jail up there?

A. Yes; I got hold of the deputies that I had and took two or three of them and we went up--I think there were three or four of us went up to the county jail, and I had got these rumors that they were going to the county jail, or that, they had got about forty automobiles, loaded, and had started out for the Range, to get the rest of the Negroes, so I immediately went up there and telephoned to the police department at Virginia to be on the lookout for them.

Q. And you had no intimation, or nobody reported to you, that this lynching-party was going to happen?

A. I never thought

of such a thing until I got word from the police department.

Q. You gave them all the assistance you possibly could, when they asked you for assistance?

A. Yes, sir, I did.

Q. That is, outside of protecting your own county jail and your own prisoners up there?

A. Yes, sir. When I left here, of course, they were turning water onto the men in the street and from the police station shortly after that. There was nobody at that time had got into the front of the police headquarters.

Q. After they started cutting the hose and the rioting became a little greater than it was prior to your departure from here to protect your own property at the county jail, or you were informed --I don't know how --?

A. Some of my deputies came to me and said that they had heard that forty automobiles, I think he said, had started for the Range, to get the rest of the Negroes, and he heard some talk in around the mob that they had taken them out and they had gone to the county Jail. Well, I don't know who had started that, but maybe some of the citizens thought it would be a good place to disperse the crowd from the City Hall, by starting this rumor that they had been taken to the county jail.

Q. What I was trying to get at, Mr. Sheriff, it was your opinion that the crowd got beyond the control of both the police department and your department?

A. Yes, sir.

Q. And therefore you made the decision as to conferring with

Subject Files (File 648c): Duluth Lynchings, 1920
Investigation of the Lynching and Rioting on Tuesday night, June 15, 1920, at Duluth,
Minnesota. Conducted by Adjutant General W. F. Rhinow [Transcript].

48

Major Beecher about calling troops?

A. Yes.

Adj. -Gen. Rhinow: That is all. I thank you very much.

The following proceedings were held in the private office of Mr. F. L. Magie, Sheriff of St. Louis County, Minn., at the Court House, Duluth, Minn., on the afternoon of June 34th, 1920.

ALBERT W. TRACY, called.

Examination by Adjt.-Gen. Rhinow:

Q. Your name is Albert W. Tracy?

A. Yes, sir.

Q. What is your position with the "Herald"?

A. My position on the "Herald" is a reporter; my official capacity is "Automobile Editor." Through a shortage of reporters, they have assigned me to cover the City Hall.

Q. At what time following the recent riot and hanging did you talk with Mr. Murnian, the Commissioner of Public Safety?

A. It was sometime between 11 and 12 o'clock.

Q. On the night of the riot?

A. On the night of the riot.

Q. Would you mind telling us the conversation that took place, as nearly as you can remember it?

A. Well, it would be pretty hard to say everything, because I met Mr. Murnian three or four different times and talked over the different events. Naturally, I asked him his version of it and what had happened, and so on, and it is pretty hard for me to remember the entire conversation.

Q. You published a statement, attributed to Mr. Murnian, wherein he acknowledged having given orders to some of the members

of the force to the effect that they were not to use their guns, did you not?

A. Yes.

Q. Did you get that statement from Mr. Murnian yourself?

A. The sense of that--I looked for a copy of that article, but was unable to find it, before I came over here. In looking over the "Tribune," I found an article there which, if my memory serves as right, is practically verbatim of the article that I ran in the "Herald".

Q. What was the date of that "Herald"?

A. The date of my article in the "Herald" was on the 16th. This in the "Tribune" was on the 17th.

Q. Mr. Tracy, did you interview Mr. Murnian prior to having written that article?

A. Yes, sir.

Q. And is that the statement that he made to you, that he had issued such an order prohibiting the use of firearms?

A. If I recollect correctly, we were talking over the orders not to shoot, and I think the remark was made something after this form: "That he would not want to see the blood of one white person shed for three Negroes." I think the word "dirty" was used in there, but I am not positive of that. And then I--then there was something said about shooting, and I think I coined the phrase, "Then you gave orders that under no consideration were the men to use firearms on that crowd." And if that was the way I worded it--it was something of the same similar effect anyway, and he said, "Yes." And I asked him again,--not only asked him once, but I

think twice, if I could use that, and I think he said emphatically "Yes." Now, understand, I am not quoting this word for word.

Q. I understand.

A. The sense of his answer, and, what he wished to convey, was carried out in the way I put it.

Q. Did he mention to whom he gave those orders?

A. No, he didn't, not that I know of.

Q. You took it, then, that he gave that order to the officer in charge of the station at the time?

A. I gathered as much, yes.

Q. Or to a number of the patrolmen individually?

A. Yes. The fact that this was published that evening and I talked with him about it the next day, and he took no occasion to contradict or question the correctness of it.

Q. Was that the statement wherein he justified his having given those orders?

A. Why, I think the conversation led onto the statement that the results would have been much more serious if he had given orders to shoot, something to that effect.

Q. You know Mr. Murnian personally, I presume?

A. Very well; I have known him for a number of years.

Q. And you are positive that it was Mr. Murnian of whom you were making these interrogations?

A. Yes. In fact, Mr. Murnian is a personal friend of mine and we have been very close, and he has been very free with his opinions and talks, but not for publication; that is how close I have been to him.

The following proceedings were held in the private office of Mr. F.
L. Magie, Sheriff of St. Louis County, Minn., at the Court
House, Duluth, Minn., on the morning of June 26, 1930.

L. J. MOERKE, Captain of Company M, Tank Corps, Minnesota National Guard,
called.

Examination ion by Adjt . -Gen. Rhinow ;

Q. Captain Moerke, you are commanding officer of Company M, Duluth
Unit of the Tank Corps?

A. I am.

Q. On what night does your organization have its regular weekly drill?

A. Every Tuesday night.

Q. Was your unit drilling on the night of Tuesday, June 15th, 1930?

A. Yes, sir.

Q. At what hour did they complete their drilling?

A. It was completed at 10;10 o'clock on that night.

Q. At any time during the course of that evening did you learn that there
was a possibility of trouble in connection with the Negroes who were imprisoned
for an assault upon a white girl?

A. At 8 o'clock, when the men came in, they reported an assemblage
down town in front of the city jail. I hadn't seen it myself, because I had been out
there from about 6 o'clock, taking care of the company records, but I asked one
of the boys to take his car and, without excusing him, he jumped in the car and
drove down town, to Second Avenue East--to First Avenue East, and

turned around there and headed east, stopping in front of the Service Motor Company, about fifty to seventy-five feet from the entrance of the police station. There was some policeman--I believe it was the Sergeant, standing there, and I asked him if Chief Murphy was around, and he told me that neither the chief nor the Captain were there, and he said the Night Sergeant was looking after some prisoners. I gave him my name, telephone number and told him that in case the crowd became unruly, he was to call me and we would come down as best we could, but that we had no equipment and would have to have about an hour's notice to get some from the Home Guards, and he told me that there was no possibility of the crowd starting anything, and thanked me for the offer.

Q. Do you know who the officer was to whom you gave that information?

A. No, sir. I can give you a description of him. He was about five feet, ten or eleven inches--very close to six feet, quite broad shouldered and dark complected and somewhat sharp features.

Q. In case that you were called upon to do so, you undoubtedly could pick him out from the balance of the officers?

A. I think I could.

Q. Was the officer in uniform?

A. He was.

Q. Were you in uniform?

A. Yes, sir.

Q. At any time during the course of that evening did you receive a call from the police department for assistance?

A. No, sir.

Q. At what time did you receive orders to mobilize your unit?

A. Well, the first that I had--I had no orders to mobilize, but the first that I did on that was to call the men; the minute that I received the information that three men had been lynched, I called the adjutant of the company and the other officers from home and told them to notify the men that had been assigned to them and to report to the armory immediately. I left then for the police station, arriving there, and saw the chief of police and a man that said he was Judge Cant. I met Major Beecher there and Major Beecher asked me where my organization was, and I told him they were forming at the armory. I left for the armory immediately and arrived there about 12:30.

Q. At what time did you receive a formal order for the mobilization of your unit?

A. I don't remember the exact time; about 12:30, just after Major Beecher had talked with the Adjutant-General.

Q. At no time during the course of the evening did you receive a call from the police department for assistance?

A. No, sir; excepting for a period of ten minutes, I was in headquarters all the time.

Q. And, to your knowledge, none of your subordinates received such request?

A. No, sir.
