

MURNIAN DELCARED UNFIT FOR HIS JOB
GRAND JURY FINDS THAT PUBLIC SAFETY HEAD IS INCOMPETENT FOR PLACE
Says His Action Has Disgraced Police Force and Placed Foul Blot Upon the City.
Murnian and Sergeant Olson Are Condemned for Failing to Prevent Lynching of Negroes.

William F. Murnian, city commissioner in charge of the department of public safety, is unfit for his job. His lack of action on the night of June 15 last has disgraced the police force for all time and has placed the foulest blot upon the city ever known in its history.

This is the meat of the finding of the special grand jury which has been investigating the events of the night of June 15, when a mob which had been recruited on the streets that afternoon to avenge the alleged outrage of a West Duluth girl by negro circus hands, stormed the city jail, wrecked the place and without effective resistance from the police "tried" three suspects, sentenced them to death, and hanged them to a lamp post within a block from police headquarters.

The special grand jury which has concluded its probe of the police and the department of public safety, submitted a lengthy report to the court shortly before noon today. The report reviews at some length the facts as they were presented by witnesses called before the grand jury and concludes with a finding to the effect that responsibility for the actions of the police on that evening rests squarely on the shoulders of Safety Commissioner Murnian.

Scorches Commissioner.

"It is the finding of the grand jury," the report reads, "that Commissioner Murnian is not competent to hold the position as head of the public safety of the city of Duluth."

Other "findings" of the jury are: That Commissioner Murnian was at the station throughout the evening and that nothing was done to materially prevent the mob from having full sway.

That Commissioner Murnian and Sergeant Olson, by their actions and lack of actions are open to the severest criticism.

That their conduct was most unbecoming and the trust placed in them most flagrantly violated.

That their action and lack of action has disgraced the police force for all time and has placed the foulest blot upon the city ever known in its history.

That Commissioner Murnian was responsible for the action of the police department and made no effort to organize the men.

No Recommendation Made.

The report contains no recommendations as to what should be done in the case of Commissioner Murnian. It makes no suggestion that he should resign and there is nothing said about a recall election. The grand jury simply states that his is incompetent to hold his present assignment on the city council.

Commissioner Murnian's name is mentioned frequently throughout the report. The evidence taken was to the effect that when the truck which was driving up and down Superior street recruiting members for the "necktie" party made its first trip past police headquarters, Commissioner Murnian was in the chief's office in conference with Sergeant Olson.

"They knew about the truck, either then or immediately afterwards. No orders were given to stop it and it was not stopped," the report states.

Knew of Situation.

The testimony given before the grand jury concerning this consultation as it appears from the report, was that the subject of removing the negroes incarcerated at the jail was being discussed at that time, and that at that time Commissioner Murnian knew of the situation.

The jury finds, however, that "no plan to handle the police or to repel an attack was decided upon, beyond the use of water." "Both Sergeant Olson and the Commissioner," says the report, "maintain that the use of firearms and clubs was not discussed, but state that there was conversation relative to the amount of ammunition on hand."

On the day following the lynching Commissioner Murnian gave both newspapers an interview in which he asserted that he had given orders to the police "not to use firearms" to repel the mob. He justified his stand by claiming that the lives of innocent bystanders in the crowd might have been destroyed if the police had used guns and bullets. Before the governor's investigation commissioner Murnian repudiated both interviews and denied flatly that he had ever given any such orders or that he had told the newspapers that he had. He is also believed to have given similar testimony before the grand jury. The grand jury's statement as to the "no shoot" order is as follows:

"The sergeant states that he told them (the police) to do the best they could and to keep the crowd away from the entrance and out of the station and some of the police state that they were given orders not to shoot or use their clubs. Unless the latter order was given there were no definite orders as to how they were to handle the crowd, each man being left to his own devices. Some of the police state that they received no instructions about the use of clubs and guns, but the word against such use had come to them from other policemen. In other words, that the word was passed around among them without any knowledge on their part as to where it originated."

The grand jury, however, believes that guns should have been used on that occasion. On this point the grand jury says:

Arms Would Stop Mob.

"Had the officer in charge issued rifles and bayonets and given the proper orders, the mob would never have congregated and the negroes would never have been murdered. It would not have been the first time in this city that guns have been put in the hands of the police with orders to shoot if necessary.

"That there were innocent bystanders and onlookers, as claimed by the police is no grounds for their utter lack of organized attempt to stop the mob. In case of mob congregation the people must understand, once and for all, that when a person, whether a man or a woman, crowds himself into a place where law and order have been cast to the four winds and mob will is the rule they cease to be innocent bystanders and have become a part of the mob; and if upon orders of the police to move away, they do not heed the warning they must take the consequences if there is any shooting by the police."

The grand jury suggests that if the punishment for rape in this state which in the case of an 18-year-old girl is imprisonment for not more than thirty years, is not severe enough the remedy is to go to the state legislature and not to resort to mob violence.

Seven More indictments.

The grand jury this morning also reported seven more indictments; five of which are secret, the defendants no being in custody at this time.

The

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public indictments returned are against;

Louis Dondino, aged 33, 302 Central avenue, truck driver, charged with instigating riot. Dondino is also under indictment for murder.

George Morgan, aged 19, teamster, residing at West Duluth. Morgan is also charged with instigating riot.

The jury has yet to make its final report before concluding its work. The report this morning was a partial one. It is understood that other indictments have been voted, and that the grand jury, which adjourned this morning will meet again tomorrow evening at 7 o'clock and make its fifth partial report to the court.

Test of the Report.

The full report on the police department probe follows: "To the Honorable William A. Cant, judge of the district court:

"We; the members of the special grand jury called June 17th, A. D. 1920, to investigate the lynching by a mob of three negroes in this city on the evening of the 15th of June, A. D. 1920, have to report that we have made a careful and rigid investigation of what took place on that evening it seems to us that no better way of reporting upon this matter can be suggested than that making a plain statement of the facts, with special reference to the action of the police in connection therewith.

"The alleged attack upon the young girl and her escort at the circus grounds on the evening of June 14, A. D. 1920, first came to the attention of the police department when the father of the young man telephoned the chief of police about 1 o'clock in the morning. Upon being notified the chief went to the ore docks where the young man worked, received his version of the affair, and at once ordered that the circus train be prevented from leaving the city. About daylight, the police, with the young lady and the boy went to the railroad yards and lined up the negroes and took some of them into custody. During the following forenoon these Negroes were questioned by the police. As a result thereof the police became convinced that certain others still with the circus should be apprehended. In order to take them into custody the chief of police, Captain Fiskett and Chief of Detectives Schulte, who had been handling the case throughout and who were the only ones cognizant of all the facts, decided to go to Virginia, Minn., and get the balance of the negroes. They left about noon. At this time there had been no suggestion of a mob or other disorder.

Lynching Discussed.

"There is some evidence that at about 2:30 o'clock in the afternoon a party overheard some conversation in a West Duluth pool hall, in which the idea of a lynching was discussed, and this fact was communicated by telephone to police headquarters. During the afternoon the fact that the police were investigating the alleged rape became noised around the city and considerable feeling was aroused. This feeling was greatly increased upon the appearance of the afternoon paper with its account of the affair.

"At about 4:15 o'clock p. m., the chief, at Virginia, Minn., talked by telephone with headquarters in Duluth, and was then told that nothing of any importance had developed. Anticipating the possibility of trouble the chief then ordered that if anything did develop all the men should be called in the headquarters, proper action be taken to disperse any crowd and that he and the sheriff be notified. Further rumors came to the police after this and orders were given to call in all the men not on beat, the fire department was communicated with and arrangements made to get the necessary hose.

"In the meantime, and in the early evening, a group of young men in West Duluth, starting from or near the pool hall mentioned, came downtown in a truck. As they passed through the West end they were observed by at least two policemen, and the fact that they were on the way was telephoned in. This truck continued on along Superior street, past the police station to Second avenue east. There it turned, drove back along Superior street to Eighth avenue west, turned again and went to Lake avenue, turned again to Second avenue west, turned once more and drove to a point at or near the police headquarters. During this drive through the West end and the center of the city, those on the truck were yelling and calling to the people on the street to Join the necktie party and to Help get the niggers. They had a rope which at first was waved about their heads, and later trailed behind the truck in order that those who wished could grasp it and follow.

Truck Unmolested.

"When this truck on its first trip passed the police station, there were a number of policemen in the front office, all of whom saw it and most of whom commented on it. At the time of its passing, Sergeant Olson, who was in charge of the station, was apparently in conversation with Commissioner Murnian in the chief's office. They knew about the truck, either then or immediately afterwards. No orders were given to stop it and it was not stopped.

"During the consultation mentioned, the idea of removing the Negroes was discussed, and it was decided to have them remain at the city jail. The fact that the men were being called in and that the fire department had been communicated with, became known to the commissioner. No plan to handle the police or to repel an attack was decided upon, beyond the use of water. Both Sergeant Olson and the commissioner maintain that the use of firearms and clubs was not discussed, but state that there was some conversation relative to the amount of ammunition on hand.

"The situation concerning weapons available to the police was as follows: There was a number of antiquated rifles with bayonets in the storeroom, each policeman had a revolver with at least one round of ammunition. Certain other revolver ammunition was in the vault and there were clubs in the station. Mr. Murnian states that he understood that the vault was locked and the combination known only to Capt. Fiskett and the secretary of police. Other evidence indicate that the combination has not been used for years, and that the extra ammunition under any circumstances, could be made available by breaking an inside vault lock.

"After the truck completed its last trip a crowd gathered in front of the police station, and was addressed by a young man who stood on an automobile on the north side of Superior street about opposite the city hall. He urged the crowd to storm the jail and take the negroes, appealing strongly to their passions and prejudices. This was in plain sight of the police station. Nothing was done to stop it or to arrest the speaker. About this time, or immediately prior thereto, the firemen had arrived and had attached a hose to the hydrant at the corner of Michigan street and Second avenue east. The line of this hose was run along Michigan street in front of the entrance to the police garage, through the space between the police headquarters and the municipal court, and into a back hall window on the Superior street floor of the station, thence through the hall, down the back stairs and into the garage. The entrance doors from Michigan street to the garage were then closed. The hose where it laid along Michigan street was thus left on the outside.

Assignment of Police.

"The police, who had reported to the number of twelve or thirteen, were lined up in the hall. About six were assigned to stand at the main entrance on Superior street and the balance was sent to the garage. At this time Sergeant Olson gave them their instructions, the evidence about which is conflicting. The sergeant states that he told them to do the best they could to keep the crowd away from the entrance and out of the station, and some of the police state that they were given orders not to shoot, or use their clubs. Unless the latter order was given there were no definite orders as to how they were to handle the crowd, each man being left to his own devices. Some of the police state that they received no instructions about the use of the clubs or guns, but that the word against such use came to them from other policemen. In other words, that the word was passed around among them without any knowledge on their part as to where it originated. It was so understood, however, by everyone, and no clubs or guns were used, except as hereinafter stated.

"At, or shortly after the conclusion of the speech from the automobile a large part of the crowd went around to the garage on Michigan street and began an attack. They commence by endeavoring to push the doors in. The police on the inside pushed to keep them closed. Not being able to force the doors in this manner, the crowd began throwing missiles through the upper part of the doors, which were composed of glass and by battering a hole in the door with a pole. As a result the doors were partially opened and at this time the police appear to have struck a few of the assailants with their clubs. This is the only time that clubs or other weapons with the exception of water, were used during the entire evening. The crowd forced the doors open and then threw bricks and stones at the police. The latter retreated to the rear of the garage and endeavored to use the hose above mentioned. They got no water the hose had been cut. In view of the fact that its entire length from the hydrant to the point where it entered the window was in possession of the crowd and entirely without any guard, the fact that it was cut is not very surprising.

Police Is Retreat.

"The police then retreated farther by going up the back stairs to the main floor. In the meantime another hose had been attached at the corner of Second avenue east and Superior street, and laid along Superior street and through the front door of the police station. This hose was guarded and the water was turned on, so that when the crowd endeavored to follow the police up the backstairs this stream was available to keep them back. It was so used, and this portion of the attack was stopped at that point.

"The crowd finding itself unable to get in the back way, left Michigan street and went around to the front. The policeman who had been on guard at the front entrance had stood there, but had made no attempt to disperse the crowd or to make it move on. One policeman who had an altercation with a boy who was apparently a leader, was called inside and put at other work. When the hose was strung along Superior street from Second avenue east to the front entrance, men were detailed to guard it. They did so, and the people, for the most part were kept off the south sidewalk. The crowd, however, continued to gather, and were not compelled to move. About this time the firemen came with more hose, and the crowd immediately ran it off the wagon took it up Second avenue east and attached it at Second avenue east and First street. The line ran from that point to the car tracks in front of headquarters. They did not have water at once, however, and while they were waiting, for it the police took the hose which had been used on the backstairs and turned it on the crowd in front. This caused the crowd to scatter somewhat, but made no impression on those who were handling the hose for the mob. Although they had no water themselves, they took a wetting from the police and stayed until they got some water for their own use. After no great time their water was turned on and they directed it against the police and the station. The firemen, having lost their first hose, sent for another load of hose, and when that came the crowd promptly took it and attached it at first alley and Second avenue east, strung it to a point in front of the station and turned it on. They then had two streams of water. In addition thereto, bricks and stones were thrown through the windows, and as a result the front rooms of the station were badly demolished. The police backed up into the entrance with their hose. The crowd then obtained control of the portion of the police hose which was on Superior street and pulling upon it, managed to kink it in such a manner that the water stopped flowing.

Police Cease Resistance.

"At this point the resistance of the police ceased. Sergeant Olson stayed with the hose until the water stopped flowing, but for some minutes prior thereto he had had little or no assistance. Under the attack of bricks, stones and water the police had scattered. Some went into the secretary's room, and from thence out the windows and down the fire escapes, while others went to the jailer's room which is back of the front room and could not be reached by either water or missiles.

"This ended the water fight. Immediately thereafter the crowd surged into the hall and up the staircases to the third floor. At some time during the attacks as above described, the sheriff, who had been notified of conditions, appeared with two or three deputies. He states that he found Mr. Murnian on the Superior street floor and asked what he could do to assist, but that Mr. Murnian did not answer him. The commissioner says that he only saw the sheriff at a distance. After going into the station the sheriff went outside and into the crowd in an attempt to divert them; remaining there until the rumor came to him that the crowd was about to attack the county jail when he went to the jail to make preparations to repel such an attack.

"From early in the evening up until the crowd gained entrance the commissioner had been on or around the Superior street floor of the police station. He had given no orders or directions at any time. When the mob surged into the building at the conclusion of the water fight the commissioner went up to the top floor of the building and stayed there.

Speeches of No Avail.

"When the mob entered they packed the hallway and staircases full, but do not appear to have effected any such jam in the adjoining rooms. Almost immediately after their entrance Sergeant Olson got their attention and endeavored to reason with them, but it was of no avail. Shortly afterwards, Attorney H. J. McClearn talked to them and attempted to have them desist from their purpose. This, too was useless. All of those who spoke for law and order were hooted and derided. The crowd was yelling and shouting. They were demanding the negroes and declaring the law inadequate to deal with the situation. After Mr. McClearn had finished a young man followed him in an incendiary speech which further inflamed the mob, and at about this time the attack upon the doors of the jail began. Some time later, and while the attack was in progress, Capt. Elmer W. McDevitt also spoke to the mob in an endeavor to have them quit, but the result was the same as that which followed Mr. McClearn's speech. This constituted all the speaking that was done in the station.

Speeches of No Avail. (cont)

"The city jail is situated in the rear of the police station, and is located upon two floors. The main jail is on the Superior street floor, and the boys department on the floor above. The first attack upon the jail was on the second floor, followed shortly by the attack on the main jail downstairs. These attacks were made with timbers iron rails, hammers, crowbars and other instruments, and consumed a period of an hour to an hour and a half. During all this time the police were scattered around the building and the neighboring streets. Some were in the jailer's rooms, some in the front room, some out on the sidewalk. One man was sent to First avenue east to divert traffic. The policeman on the beat just west of the station never left his beat. The commissioner remained on the third floor. Two or three sporadic efforts were made to stop the mob, but without effect. While they were hammering at the main jail door, Lieut. Barber and a couple of police expostulated with them, but were thrust to one side Lieut. Barber also went up on the second floor, with the same result.

"The entrance to the boys' department was finally effected by battering down the outer door and breaking a hole through the inner wall. Through this hole some of the crowd entered and finding the negro, forced him out through the hole and into the hands of the mob. He was taken downstairs, out through the main entrance, up Second avenue east to First street, and to the electric light pole on the northeast corner. A rope was thrown over the arm of the pole by a boy thereon and the noose passed about the negro's neck.

Lynching First Negro.

"At this point Father Powers, a Catholic priest, made his way through the crowd, and, gaining their attention, appealed to them to refrain from going farther. The mob listened, but when he finished an attempt was made to hang the negro. The rope broke, the negro fell, and some of those near at hand beat him. He was then hung again and that time fatally. This negro was removed from the jail at about 11:20 o'clock, p. m. At the time he was taken out the jam upon the stairs lessened, and the commissioner followed down behind the crowd until he reached the landing overlooking the main hall, where he remained until the last two negroes were taken out.

"Meanwhile, the crowd attacking the main jail had effected an entrance through the main door, had discovered the five negroes confined in the cells, and had started breaking the locks on the cell doors in order to get at them. During this time Lieut. Barber and Patrolman Walker were apparently the only ones who got into the jail room. They pleaded with the mob but without effect. The breaking of the locks continued until all of the negroes were released. As fast as this happened they were taken to a certain cell where some of the mob had constituted themselves a court for the purpose of passing upon the guilt or innocence of the victims. Apparently in some way, the mob had gained the idea that some were innocent and some guilty, and this court took it upon itself to determine the facts.

As a result of the examination the members of the mock court and the crowd came to the conclusion that two were guilty and three innocent, and about the time this situation had arisen the word came that the militia was on the way and it was necessary to hurry. The two negroes mentioned were then taken out, carried along Superior street to First avenue east to First avenue east to First street and thence east to the same pole where the first negro had been hung. This time there was no speech-making. The negroes were hung, the last being brutally kicked by a young man on the pole.

Further Lynching Frustrated.

"A few minutes prior to the taking out of the last two Negroes Chief Murphy, Capt. Fiskett and Detective Schulte arrived from Virginia, Minn. They had left there about 8:15 o'clock p. m. without any knowledge that anything was wrong. They had in the car four of the negroes apprehended at Virginia. During the evening the rumor had been current through the mob that the chief was coming from Virginia, and the suggestion was made that he be met on the road and the negroes taken from him and lynched. Commissioner Farrell, becoming aware of this plan started the automobiles out on the wrong road and himself went out to meet the chief. This meeting took place near Rice lake. The negroes were turned over to Mr. Farrell, who took them to his farm and the chief, the captain and Lieut. Schulte came on to town. When they arrived the first negro was gone. The hall was still filled with people, the jail inside of the doors was jammed full and the barred door shut.

"Finding they could not get in they went to the city hall and the chief issued orders to round up all the policemen and have them report to him. This was done by Capt. Fiskett. When gathered together there were about thirty-eight. This took about ten or fifteen minutes. They were then marched out in front of the station onto the sidewalk, the plan being to form a cordon to keep the crowd back and to send in squads to pull the mob out in small groups. But while they had been gathering the men the last two negroes had been taken out and hung. Anticipating that the mob might return, the police were armed with the rifles the block between Second avenue east and First avenue east was cleared and the three remaining negroes were run to Superior. Wis.

"This ended the disturbance. The crowd slowly dispersed. Some time later the police went to the pole and recovered the bodies of the victims and they were turned over to the coroner.

Only One Organized Gang.

"A word might be added as to the nature of the mob. There is no evidence of any organized gangs coming from different parts of the city to take part in the attack, except the crowd from West Duluth above mentioned. There is no evidence of dynamite or acetylene torches being at hand or in use. There was no one leader. The active portion of the mob was composed largely of young men and its personnel was apparently changing constantly.

"The foregoing are the facts as adduced by the evidence to make the following comments thereon:

"The six negroes held in the city jail at police headquarters charged with a most horrible and brutal crime—a crime that to many of us is worse than murder, and about which we feel that the brutes who commit it, whether black or white should receive the full penalty of the law.

"The punishment for rape in this state is imprisonment in the state prison for not less than seven nor more than thirty years, and attempted rape is punishable at one-half that sentence. If the law is not severe enough, the remedy is not by mob action. The remedy is to go to the legislature and have laws placed upon the statute books that are adequate for this crime. There were those in the mob who gave no thought or consideration to the law. They knew only the law of the mob and that was the only law they cared to administer. With mob authority only, some set themselves up as a kangaroo court to pass on the guilt or innocence of men accused and in custody of the city authorities and held in the city jail.

Blame on Police Laxity.

"Attention has been called in the foregoing statement of facts to the truck which traversed the principal street of the city. It is unbelievable that a police department or a single police officer, whose sole duty it is to protect life and property and to guard the city's interests, the lives of its citizens and of all who come within its borders, could have witnessed the movements of this truck and its load of young men on their errand of murder of law defiance and destruction of property, without so much as a protest. But the evidence before the grand jury does not show that there was any effort whatever to stop the truck. We are satisfied that had the police stopped it, arrested the men on it, and ordered the people to move on as is usual in these cases, there is no question but that the trouble would have ended. We also consider it bad judgment to have kept the negroes in the jail after the first rumors of impending trouble. They could have been taken to Superior or into the country under guard if the county jail was considered inadequate. Had the officer in charge issued the rifles and bayonets and given the proper orders the mob never could have congregated and the three negroes would not have been murdered. It would not have been the first time in this city that rifles have been put in the hands of the police with orders to shoot if necessary. That there were innocent bystanders and onlookers, as claimed by the police, is no grounds for their utter lack of organized attempt to stop the mob. In case of mob congregation the people must understand once and for all that when a person whether man or woman, crowds himself into a place where law and order have been cast to the four winds and mob will is the rule, they cease to be innocent by standers and have become part of the mob; and if, upon orders of the police to move on they do not heed the warning, they must take the consequences if there is any shooting by the police.

"Murnian Declared Unfit For His Job" [Transcript].

"It was most unfortunate that Chief of Police Murphy, Capt. Fiskett and Lieut. Schulte, the three ranking officers of the department, were at Virginia to arrest and take into custody the other negroes who were alleged to be implicated in the crime. As before stated, on their return they immediately formed the police into a squad, with rifles, and in a very short time dispersed what was left of the mob: and while they were too late to save the lives of the negroes their action prevented any chance of the mob returning for the negroes that were still in the jail.

Murnian and Olson Censured.

"At the time the mob gathered, Sergeant Olson was in charge of the station. Commissioner Murnian of public safety, who was the head of the police department, was also at the station throughout the evening. Nothing was done and no action was taken by the commissioner of public safety or by the sergeant in charge, that in any way materially prevented or stopped the mob. The commissioner and the sergeant, by their actions, and lack of action, are open to the severest criticism. Their conduct was most unbecoming, and the trust placed in them most flagrantly violated. Their action and lack of action has disgraced the police force for all time, and has placed the foulest blot upon the city ever known in its history.

"We believe that Commissioner Murnian was responsible for the action of the police department on that evening, and that he made no effort to organize the men. Neither did he make any effort to consult with Sheriff Magie after he arrived on the scene, to have him co-operate with the police department and work out a plan of defense. We find that the police were not organized for defense as a unit, but that each man was told to do the best he could.

"During the evening individual police officers showed thought and energy and did their best to quell the disturbance and drive away the crowd, but the men in authority had no definite plan for the men to carry out, all of which showed gross incompetency.

Murnian Not Competent.

"We believe that commissioner Murnian was responsible for the condition that existed with the police department on that evening, and it is the finding of the grand jury that Commissioner Murnian is not competent to hold the position as head of the public safety of the city of Duluth.

"All efforts put forth by the police department were weak and of no avail. We have had considerable testimony as to the shortage of patrolmen in the police department and the inadequacy of the salaries paid. We recommend that the police department have a thorough overhauling and that the city budget be so distributed that additional patrolmen may be provided and the salaries be adjusted and raised to a point where the police department may be in a state of efficiency and city be properly protected.

"The signal and call system is out of date and in many cases useless. A new system is much needed. An entirely new defense equipment for police headquarters should be provided, which in the future will safeguard life and property and enable the police to cope with and successfully combat any mob violence."