

Understanding Our Duluth Lynchings:

**Racial Violence in America
and the Road to Justice
and Reconciliation**

June 14, 2021



Understanding Our Duluth Lynchings: **Racial Violence in America and the Road to Justice and Reconciliation**

Event Schedule

9:00 a.m.: Welcome Remarks and Confronting Our History of Lynching

10:25 a.m.: Facing and Addressing Our Violent Racial Past: 1921 Tulsa Massacre and the Blinding of Sgt. Isaac Woodard

11:50 a.m.: A Conversation with Bryan Stevenson

Welcome – Jerry Blackwell

Greetings – Governor Tim Walz

Confronting Our History of Lynching

The legacy of lynching casts a long stain on the soul of the United States which includes Minnesota. We will discuss the legacy of lynching in Minnesota and the United States, and a collective effort by members within Minnesota's legal community to face and address a historic injustice by securing the first posthumous pardon in Minnesota's history.

Duluth Mayor Emily Larson

Senator Amy Klobuchar

Duluth Lynchings: Historical Context – Professor John Bessler

Question & Answer session with Professor Bessler facilitated by Kevin Lindsey

Urban League Twin Cities President Steven Belton

Max Mason Pardon – Jerry Blackwell and Corey Gordon

Question & Answer session with Jerry Blackwell and Corey Gordon
facilitated by Kevin Lindsey

Break



Facing and Addressing Our Violent Racial Past 1921 Tulsa Massacre and the Blinding of Sgt. Isaac Woodard

As the poet James Baldwin reminds us that nothing can be changed until it is faced, the 1921 Tulsa Massacre and the blinding of Sergeant Isaac Woodard call upon us to honestly examine past egregious acts of violence and its consequences, the deep entrenchment of racism through the tradition of states' rights, the acts taken in response in the moment, and the current actions we can take to commemorate and address our violent racial past.

Katie Barrett Wiik, Attorney at Best & Flanagan

1921 Tulsa Massacre – Professor Duchess Harris

Question & Answer session with Professor Duchess Harris
facilitated by Kevin Lindsey

Minnesota Supreme Court Associate Justice Natalie Hudson

Unexampled Courage – Judge Richard M. Gergel

Question & Answer session with Judge Richard M. Gergel
facilitated by Kevin Lindsey

St. Louis County Attorney Mark Rubin

Clayton Jackson McGhie Memorial – Dr. Rogier Gregoire

Break



Conversation with Bryan Stevenson How Do We Reconcile Our Past

Bryan Stevenson, founder and Executive Director of Equal Justice Initiative, and author of “Just Mercy,” is a widely acclaimed public interest lawyer who has dedicated his career to helping the poor, the incarcerated and condemned. Jerry Blackwell, CEO of Blackwell Burke, one of the lead prosecutors in the Derek Chauvin trial will interview Mr. Stevenson about his prior and current work, the criminal justice system, and how we can reconcile our past.

Minnesota Attorney General Keith Ellison

Conversation with Bryan Stevenson & Jerry Blackwell

Question & Answer session with Bryan Stevenson and Jerry Blackwell
facilitated by Kevin Lindsey

Closing – Minnesota District Court Chief Judge John Tunheim



Event Background

This event highlights the work of the Collaborative Legal Community Coalition (CLCC) and the Clayton Jackson McGhie Memorial Board (CJMM). The CLCC is a unique coalition of sectors of Minnesota's justice system and legal profession in partnership with members of the broader community, founded to commemorate the 100-year anniversary of the Duluth lynchings and to support CJMM in its shared commitment to do the same. Beginning as a spark of inspiration from Jerry Blackwell and former MSBA President, Tom Nelson, the CLCC grew organically one member organization at a time, under the committed leadership of Chief Judge John Tunheim and with the support of Magistrate Judge Leo Brisbois.

The work of the CLCC has included the collaboration with Bryan Stevenson and the Equal Justice Initiative on the commemoration of the Duluth lynchings; the successful petition for Minnesota's first posthumous pardon for Max Mason, who was wrongly charged and convicted of the alleged rape that was at the heart of the mob lynching of Mr. Clayton, Mr. Jackson and Mr. McGhie; compilation of an anthology of written, photographic, and artistic documentation and reflections on the Duluth lynchings and their commemoration; and partnership with the federal court's Open Doors program and the Minnesota Humanities Center in their engagement with the educational community, including the development of literature and materials to support educational and curricular initiatives around these historical events and their present-day implications.

The CLCC includes judges and staff of the United States District Court for the District of Minnesota and justices of the Minnesota Supreme Court; members of the Minnesota Chapter of the Federal Bar Association, the Minnesota State Bar Association, and the Minnesota Association of Black Lawyers; and representatives and community leaders from Duluth law enforcement and government leadership, the offices of Minnesota Governor Walz and Attorney General Ellison, the CJMM Board of Directors, the McKnight Foundation, the Minnesota Historical Society, the Minnesota Humanities Center, and the Jewish Community Relations Council of Minnesota and the Dakotas.



ABOUT OUR SPEAKERS



Katie Barrett Wiik, Attorney at Best & Flanagan

Katherine “Katie” Barrett Wiik is a partner at Best & Flanagan LLP, with a practice focused on civil litigation and appeals. Katie is an accomplished appellate lawyer with extensive experience representing business and individuals in federal and state appellate courts. In addition to her appellate practice, Katie handles diverse commercial litigation matters in state and federal district courts, both as lead counsel and as Minnesota co-counsel. She has successfully litigated breach of contract, business torts, employment, securities fraud, breach of fiduciary duty, and other financial litigation matters on behalf of businesses and individuals.

Katie is deeply committed to pro bono work, particularly advancing gender equality and advocating on behalf of transgender people, asylum seekers, people who have experienced discrimination, and survivors of sexual or domestic violence. Katie is a graduate of Harvard Law School, Queen’s University Belfast, which she attended as a British Marshall Scholar, and Macalester College. After law school, she clerked for the Honorable Karen Nelson Moore of the U.S. Court of Appeals for the Sixth Circuit. Katie is a Past-Chair of the Minnesota State Bar Association’s Appellate Practice Section Council, and she currently serves on the Executive Board of the ABA’s Council of Appellate Lawyers as well as the Eighth Circuit Bar Association and the Minnesota Chapter of the Federal Bar Association.



Jerry Blackwell, Founder and Chairman, Blackwell Burke

Jerry W. Blackwell is the founding partner, CEO and chairman of Blackwell Burke P.A. Mr. Blackwell serves as national and trial counsel for several major corporations, having represented them in federal and state courts in 47 states and internationally. He is an experienced trial lawyer with nationwide experience defending class actions, toxic tort, commercial disputes, products liability, and other high stakes complex cases. Mr. Blackwell has numerous winning jury verdicts and favorable settlements to his credit. He is a frequent presenter on winning trial strategies and how to communicate complicated legal, scientific, and business issues to jurors.

Mr. Blackwell is admitted to practice in the state and federal courts of Minnesota, federal district courts of Michigan, Arizona, Colorado, and Illinois, as well as the United States Supreme Court and Fourth, Seventh, Eighth, Ninth and Eleventh Circuit Courts of Appeals. Mr. Blackwell has presented to the Federal Bar Association, American Bar Association, Minnesota State Bar Association, National Bar Association, International Association of Defense Counsel, National College of Advocacy, and various Fortune 500 clients and trade organizations.



Steven Belton, President and CEO, Urban League Twin Cities

Steven Belton was named President and Chief Executive Officer of the Minneapolis Urban League (MUL) in December 2015 following a national search. Belton led the transformation of MUL to Urban League Twin Cities in November 2019, fulfilling a key objective of the organization’s strategic plan. He brings to the position lengthy tenure in high-level positions in state government, public schools and the non-profit and private sectors. An attorney, he was a litigator and partner at a large Minneapolis law firm. Steven serves on the preaching staff at Park Avenue United Methodist Church in south Minneapolis where he was the youth pastor for nearly 10 years. Married to Sharon Sayles Belton, the former Mayor of Minneapolis, Steven and Sharon have three adult children.

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Professor John Bessler, Professor of Law at University of Baltimore

John Bessler teaches at the University of Baltimore School of Law and the Georgetown University Law Center. A two-time Minnesota Book Award finalist, he has written multiple books on capital punishment and legal history, including *Legacy of Violence: Lynch Mobs and Executions in Minnesota* (Minneapolis: University of Minnesota Press, 2003). His 2014 book about the Italian criminal-law theorist Cesare Beccaria, *The Birth of American Law: An Italian Philosopher and the American Revolution*, won the Scribes Book Award, an annual award given out since 1961 by the American Society of Legal Writers for “the best work of legal scholarship published during the previous year.” He is the editor of Justice Stephen Breyer’s *Against the Death Penalty* (Washington, D.C.: Brookings Institution Press, 2016), and has also taught at the University of Minnesota Law School, the George Washington University Law School, Rutgers Law School, and the University of Aberdeen in Scotland. A former law clerk to U.S. Magistrate Judge John M. Mason in the District of Minnesota, in 2018 he was a visiting scholar at the University of Minnesota Law School’s Human Rights Center.



Minnesota Attorney General Keith Ellison

Keith Ellison was sworn in as Minnesota’s 30th attorney general on January 7, 2019. As the People’s Lawyer, Attorney General Ellison’s job is to help Minnesotans afford their lives and live with dignity, safety, and respect. His guiding values are generosity and inclusion.

From 2007 to 2019, Keith Ellison represented Minnesota’s 5th Congressional District in the U.S. House of Representatives, where he championed consumer, worker, environmental, and civil- and human-rights protections for Minnesotans. He served for 12 years on the House Financial Services Committee, where he helped oversee the financial services industry, the housing industry, and Wall Street, among others. Among his legislative accomplishments are passing provisions to protect credit-card holders from abusive practices and protect the rights of renters and tenants. While in Congress, he founded the Congressional Antitrust Caucus and the Congressional Consumer Justice Caucus. He also served as co-chair of the Congressional Progressive Caucus, which he helped build to more than 100 members.

Before being elected to Congress, Attorney General Ellison served four years in the Minnesota House of Representatives. Prior to entering elective office, he spent 16 years as an attorney specializing in civil-rights and defense law, including five years as executive director of the Legal Rights Center. As the leader of this public-interest law firm, he oversaw a team of attorneys focused on delivering justice for Minnesotans who had nowhere else to turn. He was also a noted community activist.

Attorney General Ellison received his law degree from the University of Minnesota Law School in 1990. He is the proud father of four adult children: Isaiah, Jeremiah, Elijah, and Amirah. He is the first African American and the first Muslim American to be elected to statewide office in Minnesota.

ABOUT OUR SPEAKERS



United States District Court Judge Richard Gergel

Richard Gergel is a native of Columbia, South Carolina and is the grandson of Jewish immigrants who immigrated to South Carolina from Eastern Europe and the Ukraine at the turn of the Twentieth Century. He graduated from Duke University, B.A., summa cum laude, and the Duke University School of Law. Judge Gergel practiced law in Columbia for over 30 years, specializing in complex civil litigation. He was nominated to the United States District Court bench in December 2009 by President Barack Obama and was confirmed by unanimous consent by the United States Senate in August 2010. Judge Gergel presides in Charleston, South Carolina.

Judge Gergel is the author of two books and numerous articles on legal and civil rights history. His most recent book, "Unexampled Courage: The Blinding of Sgt. Isaac Woodard and the Awakening of President Harry Truman and Judge J. Waties Waring" (Farrar Straus and Giroux 2019), has received wide critical acclaim and was the basis of a recently nationally broadcast documentary on PBS. He is married to Dr. Belinda Gergel and they have two sons, Robert Richard Gergel and Joseph Gergel.



Dr. Rogier Gregoire, Principal at Gregoire & Associates LLP

Rogier Gregoire Ed.D., born in Harlem, NYC, is an innovative educator and facilitator whose experience spans classroom instructor at Boston College, curriculum developer for corporate leaders, research scientist and designer for a leading national brand, and published author. At Gregoire & Associates LLP, he continues to share independent research on and teach the transformational aspects of dialogue as an instructional model for public school curriculum and instruction across Minnesota and beyond.

Dr. Gregoire was invited to the Harvard Graduate School of Education (HGSE) PhD program as a developer of Computer Programming Training in Boston Public Schools, Roxbury MA. He was admitted to the HGSE PhD program as the first high school graduate accepted into a doctoral program without undergraduate or graduate degrees, ranking in the top 5% of applicants.

Dr. Gregoire is a board member of the Clayton Jackson McGhie Memorial, Inc., formed in June 2000. It was a culmination of years of individual people keeping the stories of what happened to Isaac McGhie, Elmer Jackson and Elias Clayton alive in their way.



Corey Gordon, Partner, Blackwell Burke

Corey L. Gordon is an experienced trial lawyer whose practice includes products liability defense, class action defense, toxic and environmental torts litigation, commercial litigation, appeals, and other complex litigation. Mr. Gordon is a frequent speaker at national CLE programs. His recent presentations have addressed class action defense, food flavorings litigation, junk science, and successful approaches to Daubert motions and jury trials.

Mr. Gordon is admitted to practice in the state and federal district courts of Florida, Illinois, Minnesota, New York, and Wisconsin, as well as the First, Second, Third, Seventh, Eighth, Tenth, and Eleventh Circuit Courts of Appeals & the U.S. Supreme Court.

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Senator Amy Klobuchar

U.S. Senator Amy Klobuchar is the first woman elected to represent the State of Minnesota in the United States Senate. Throughout her public service, Senator Klobuchar has always embraced the values she learned growing up in Minnesota. Her grandfather worked 1500 feet underground in the iron ore mines of Northern Minnesota. Her father, Jim, was a newspaperman, and her mother, Rose, was an elementary school teacher who continued teaching until she was 70.

Senator Klobuchar has built a reputation of putting partisanship aside to help strengthen the economy and support families, workers, and businesses. In 2019, an analysis by Vanderbilt University ranked her as the “most effective” Democratic senator in the 115th Congress.

Senator Klobuchar has always understood that her first duty is to represent the people of Minnesota. She acted quickly to obtain full funding to rebuild the I-35W bridge just thirteen months after it tragically collapsed into the Mississippi River. She worked across party lines to expand education and job opportunities for returning service members, fought to ensure that Minnesota National Guard members received the full benefits they earned, and helped turn Minnesota’s ground-breaking “Beyond the Yellow Ribbon” program into a national model. As a member of the Senate Agriculture Committee, Senator Klobuchar worked to pass several bipartisan Farm Bills to strengthen Minnesota’s rural economy and give farmers the certainty and support they need.



Duluth Mayor Emily Larson

Emily Larson was elected Mayor of Duluth in November 2015 with 72% of the vote. She was inaugurated on January 4th, 2016. Prior to becoming Mayor, Emily was President of the Duluth City Council, served as a commissioner on the Duluth Economic Development Authority and was the Council Conduit to Parks and Libraries.

Currently, Mayor Larson serves as a member of the Young Women’s Initiative of Minnesota, and sits on the Greater Minnesota Housing Fund Board. As Mayor, her priorities include sustainable energy, increasing and improving our housing stock, addressing the opioid epidemic, developing a stable and reliable long-term streets funding plan, and continuing to grow Duluth’s robust and unique economy.

Emily earned an undergraduate degree from the College of St. Scholastica, A master’s degree from the University of Minnesota Duluth and is a graduate of Intermedia Arts Creative Community Leadership Institute. She is an active trail runner and full-time admirer of Lake Superior. Emily is married to Doug Zaun and together they have two sons.

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United States District Court Chief Judge John Tunheim

The Honorable John R. Tunheim has served for 25 years as United States District Judge in the District of Minnesota and has served as Chief Judge since 2015. From 1994-1998, Judge Tunheim served as Chair of the U.S. Assassination Records Review Board, an independent federal agency empowered to declassify the remaining secret records of the assassination of President Kennedy. Before his appointment as a federal judge, he served as Minnesota's Chief Deputy Attorney General and Solicitor General, and in the U.S. Senate, as Staff Assistant to U.S. Senator Hubert H. Humphrey. He has devoted much of his judicial career to helping develop the rule of law in new democracies, including drafting the Kosovo Constitution and advising over 40 countries on counter-terrorism measures and judicial independence. He is a graduate of Concordia College and the University of Minnesota Law School, where he served as President of the Law Review. He was Chair of the U.S. Judicial Conference Committee on Court Administration and Case Management from 2005 to 2009 and currently serves on the U.S. Judicial Conference as the 8th Circuit District Judge Representative. He has served as Chair of the ABA's Government and Public Sector Lawyers Division and the National Conference of Federal Trial Judges. He is currently a member of the Executive Committee of the Criminal Justice Section and has served on the Standing Committee on Election Law and on the Board of the Rule of Law Initiative.



Governor Tim Walz

Tim Walz is Minnesota's 41st Governor. His career has been defined by public service, from serving our country in the military to serving our students as a high-school teacher and football coach to serving our state in Congress.

Born in a small town in rural Nebraska, Tim's parents instilled in him the values that guide his commitment to common good and selfless service. Soon after his high school graduation, Tim enlisted in the Army National Guard. Tim attended Chadron State College, where he graduated with a social science degree in 1989. Harvard University offered Tim an opportunity to gain a new perspective on global education by teaching in the People's Republic of China from 1989-90, where he joined of one of the first government-approved groups of American teachers to work in Chinese high schools. Upon his return from China to Nebraska, Tim served full time in the Army National Guard, and accepted a teaching and coaching position. More importantly, he met his wife, Gwen Whipple, who was teaching at the same school.

Tim and Gwen Walz moved to Mankato in 1996, where they began working at Mankato West High School. In addition to teaching social studies, Tim helped coach the Mankato West football team that won the school's first state championship. After 24 years in the Army National Guard, Command Sergeant Major Walz retired from the 1-125th Field Artillery Battalion in 2005.

Tim won his first election to the United States House of Representatives in 2006, and was re-elected for another 5 terms serving Minnesota's First Congressional District. In addition to his work on the Farm Bill, the Lewis & Clark Regional Water System, Minnesota Highway 14, and the Minnesota State Veterans Cemetery in Preston (MN), Tim introduced the STOCK Act, a bill that sought to limit congressional insider trading. On March 22, 2012, the STOCK Act passed with overwhelming bipartisan support in both the House and the Senate. After years of living in Mankato, Tim and Gwen moved to St. Paul with their two children, Hope and Gus, and their rescue pets, Scout and Afton.

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Professor Duchess Harris

Professor of American Studies at Macalester College

Professor Harris arrived at Macalester as an instructor and a visiting assistant professor in 1994, teaching courses in women's and gender studies. In 1998 she joined the tenure-track faculty in political science and African American studies. She was tenured in 2004, earned a Juris Doctorate in 2011, and was promoted to full professor in 2013. Dr. Harris was also a founding member of the American Studies department and served as chair for eight years, including as its inaugural chair.

The breadth of courses Dr. Harris has taught is wide-ranging, and includes Foundations of U.S. Politics, Policy Analysis: Health Care in the United States, Black Political Thought, Race and the Law, and "The Obama Presidency." Among the things she's most proud of during her time at Macalester are the lifelong bonds she builds with her students in the classroom.



Minnesota Supreme Court Associate Justice Natalie Hudson

Justice Natalie Hudson joined the Minnesota Supreme Court in 2015 by appointment of Governor Mark Dayton. She was elected in 2016 and her current term expires January 2023. Justice Hudson served on the Minnesota Court of Appeals from 2002-2015.

Justice Hudson was a staff attorney with Southern Minnesota Regional Legal Services (1982-1986); an associate attorney at Robins, Kaplan, Miller, and Ciresi (1986-1988); Assistant Dean of Students at Hamline University School of Law (1989-1992); St. Paul City Attorney (1992-1994); and an Assistant Attorney General at the Office of Minnesota Attorney General, Criminal Appellate Division (1994-2004).

Justice Hudson received her B.A. from Arizona State University and her J.D. from the University of Minnesota Law School.

Justice Hudson is a member of American Bar Association, Minnesota State Bar Association, Ramsey County Bar Association, Minnesota Women Lawyers, Minnesota Association of Black Lawyers, Minnesota Association of Black Women Lawyers, and Warren E. Burger Inn of Court. She also serves on the Board of Advisors for the University of Minnesota Law School.

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Kevin Lindsey, CEO, Minnesota Humanities Center

Kevin Lindsey, who joined the Minnesota Humanities Center as CEO in June of 2019, is a widely-respected advocate and lawyer with a wealth of experience in public policy and education reform. A proven change-maker, Kevin's career has focused on finding solutions to complex issues for institutions, both internally and externally. He has a passion for inclusion for all, building a stronger democracy, and leveraging the power of personal stories. Kevin has held numerous governmental and nonprofit positions; such as board chair and interim executive director of Walker West Music Academy and most recently serving as the Commissioner of the Minnesota Department of Human Rights from 2011 to 2019. He was recently honored by his alma mater with the 2017 Iowa Law Review Distinguished Alumni Award and recognized as a "50 Over 50 disruptor honoree" by AARP Minnesota and Pollen 2018.



Mark S. Rubin, St. Louis County Attorney

Mark S. Rubin was elected as St. Louis County Attorney in 2010, after serving as a felony prosecutor in the office for more than 30 years. He is in his third term. Mark is a graduate of the College of St. Scholastica and what is now Mitchell Hamline School of Law. Mark has been honored by the Minnesota Bar Association with the Julius Gernes Prosecutor Award of Excellence and by the Minnesota County Attorney's Association, with both the M.A. Johnson Distinguished Service Award and the Meritorious Service Award. He enjoys an AV Preeminent Rating from MartindaleHubbel, the highest possible rating in both legal ability and ethical standards. Most recently, he was a member of the Working Group for the police-involved deadly force encounters, assembled by Attorney General Keith Ellison and DPS Commission John Harrington.

As County Attorney, Mark wrote a letter to the Minnesota Board of Pardons strongly supporting the Petition to grant a posthumous pardon to Max Mason.



Bryan Stevenson, Founder and Executive Director of EJI

Bryan Stevenson is a widely acclaimed public interest lawyer who has dedicated his career to helping the poor, the incarcerated, and the condemned. Under his leadership, EJI has won major legal challenges eliminating excessive and unfair sentencing, exonerating innocent death row prisoners, confronting abuse of the incarcerated and the mentally ill, and aiding children prosecuted as adults. He led the creation of EJI's highly acclaimed cultural sites, the Legacy Museum and the National Memorial for Peace and Justice, which opened in 2018. Mr. Stevenson's work has won him numerous awards, including over 40 honorary doctorates, the MacArthur Foundation "Genius" Prize, and the ABA Medal, the American Bar Association's highest honor. He is a graduate of the Harvard Law School and the Harvard School of Government and the author of the award-winning New York Times bestseller, *Just Mercy*, which was recently adapted as a major motion picture.