

# “Victories Yet to Win”

CHARLES W. SCRUTCHIN,  
BEMIDJI’S BLACK ACTIVIST ATTORNEY



Charles W. Scrutchin, about 1911

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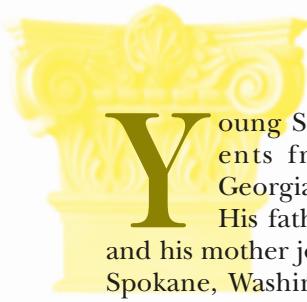
September 1865. Richmond, Virginia. The former capital of the Confederacy lay in ruins.

While the humbled rebels agonized about rebuilding the South, the city’s emancipated slaves looked to a future full of promise. In this spirit, William and Barbara Scrutchin welcomed into their lives a baby boy, Charles William Scrutchin.<sup>1</sup>

Young Charles belonged to a new generation of African Americans who carried within themselves great hopes of freedom and opportunity. Although many of their dreams would be dashed upon the rocks of prejudice and limited opportunity, some found places to prosper and reach their true potential.

<sup>1</sup> Scrutchin’s exact birth date is unknown. Although usually given as Sept. 11, 1866, the 1900 federal census lists Sept. 1865; see U.S. Manuscript Census Schedules, 1900, roll 756, Beltrami Co., Village of Bemidji, 171A, Minnesota Historical Society (MHS). His obituaries relate that “the exact age of Mr. Scrutchin was not known to friends,” but that he was born when Virginia “was still a slave state”; see *Bemidji Pioneer*, July 14, p. 3, July 17, p. 6, and *Minneapolis Tribune*, July 17, p. 8—all 1930.

Blessed with great intelligence, Scrutchin became part of the “Talented Tenth”—the small group of African Americans that activist leader W. E. B. Du Bois urged to seek advancement through professional careers and thereby uplift less fortunate brothers and sisters. Scrutchin, a Bemidji attorney and advocate for social equality from 1898 until his death in 1930, faced an ongoing struggle for respectability and acceptance. While many Bemidjians admired his great talent, wisdom, and genial personality, few forgot his ancestry. Others tolerated him because of his Republican Party loyalties and his prominent patriotism. When Scrutchin died, however, knowledge of his numerous accomplishments quickly faded. The story that follows has been reconstructed from limited surviving sources.



Young Scrutchin moved with his parents from Richmond to Atlanta, Georgia, when he was two years old. His father died, and in 1876 Charles and his mother journeyed across the country to Spokane, Washington, where she worked as a domestic servant for the family of Gen. Frank Wheaton. Charles graduated from high school in Spokane and then from the University of Washington in 1890.<sup>2</sup>

To help finance his further schooling, Scrutchin worked as a railroad porter along the Great Northern Railway run from Tacoma, Washington, to St. Paul. He had married a woman named Rachel in Spokane in 1888, but their marriage soon fell to the pressures of his work and studies. Rachel deserted him in October 1890 rather than accompany him when he entered law school.<sup>3</sup>

Moving east to Ann Arbor, the 25-year-old Scrutchin entered law school at the University of Michigan. It was the first publicly supported university to admit African Americans in the 1870s, and two black students graduated with law degrees in 1877. Scrutchin earned a Bachelor of Laws degree in three years, also waiting tables in a Detroit hotel. He graduated in the class of 1893, which included at least four African Americans among its 319 members. The next year he completed a Master of Laws degree and passed his bar exams.<sup>4</sup>

From 1895 to 1897 Scrutchin served in Chicago as the “assistant South Town attorney” under E. H. Morris, a noted African-American lawyer. Morris had visited Minneapolis in 1891 to address a state convention of the Afro-American League, and he may have suggested Minnesota as a place where Scrutchin might eventually start his own practice. When the Democratic Party swept the Chicago elections, it ousted Republicans from city departments in 1897. Scrutchin, loyal to the party of Abraham Lincoln and emancipation, began looking for another place to practice law.<sup>5</sup>

As early as 1886 black professionals in St. Paul such as businessmen James K. Hilyard and Thomas H. Lyles began recruiting doctors and lawyers to join the small Twin Cities community of about 1,400 African Americans. In 1889 Frederick L. McGhee and William R. Morris became the first black lawyers in St. Paul and Minneapolis, respectively, and Dr. Valdo Turner opened a St. Paul medical practice. The next year attorney J. Frank Wheaton moved from Maryland to Minneapolis, which he considered a “more congenial field of labor.” Indeed, Minneapolis’s *Afro-American Advance* newspaper declared, there was not “another city in the Union where the white people are so friendly disposed toward Afro-Americans who

<sup>2</sup> “Chas. W. Scrutchin,” *Members of the Beltrami Co. Bar Association*, newspaper supplement, 1904, p. 1, from Douglas Cann Collection, Bemidji; Hiram F. Stevens, ed., *History of the Bench and Bar of Minnesota* (Minneapolis: Legal Publishing and Engraving Co., 1904), 2:187; Charles William Scrutchin, LL.M. file, Alumni Office, University of Michigan, Ann Arbor.

<sup>3</sup> Register of Civil Actions, Beltrami Co., Minnesota, Case #2032, D:439, Beltrami Co. Courthouse, Bemidji.

<sup>4</sup> Stevens, *Bench and Bar*, 2:187; “Chas. W. Scrutchin,” 1; Warren Upham and Rose B. Dunlap, comps., *Minnesota Biographies, 1655–1912*, Minnesota Historical Collections, vol. 14 (St. Paul: Minnesota Historical Society, 1912), 685; *Bemidji Weekly Pioneer*, Feb. 20, 1902, p. 1; *To Wit: Department of Law, University of Michigan Class of '94* (Ann Arbor: Register Publishing Co., 1894), 8; *Calendar of University of Michigan for 1892–1893* (Ann Arbor: University of Michigan, 1893), 239–47; J. Clay Smith, Jr., *Emancipation: The Making of the Black Lawyer 1844–1944* (Philadelphia: University of Pennsylvania Press, 1993), 35–36, 40, 455.

<sup>5</sup> Stevens, *Bench and Bar*, 2:187; *Bemidji Weekly Pioneer*, Feb. 20, 1902, p. 1; David V. Taylor, “Pilgrim’s Progress: Black St. Paul and the Making of an Urban Ghetto, 1870–1930” (Ph.D. diss., University of Minnesota, 1977), 101; St. Clair Drake and Horace R. Cayton, *Black Metropolis: A Study of Negro Life in a Northern City* (New York: Harcourt, Brace and Co., 1945), 344–45; *New York Times*, Apr. 7 and 29, 1897, p. 1.

manifest the least anxiety to make something of themselves.”<sup>6</sup>

In 1898 Scrutchin moved to St. Paul, a city he had first known from his work as a porter. McGhee suggested that he consider establishing his law practice outside the Twin Cities because there was only enough legal business for a small number of African-American attorneys. Although each lawyer could claim some white clients, St. Paul attorney William T. Francis later noted, prejudice kept black professionals from attaining “as large a clientage as their ability warrant[ed].” While McGhee and Scrutchin discussed the matter in downtown St. Paul, barber S. Edward Hall mentioned the lumbering boom in northern Minnesota and remarked, “Why not go up to a place like Bemidji?” When the Great Northern Railway completed its main line from Fosston to Duluth that year, Scrutchin heeded the advice and ventured north to the frontier logging town.<sup>7</sup>

Bemidji, founded in 1896 on the shores of picturesque Lake Bemidji, served as a commercial center and railhead for lumber companies in the white-pine woods. Scrutchin immediately fell in love with the “lake and its beauty,” describing Bemidji as “a beautiful little city . . . surrounded by a magnificent timber belt.”<sup>8</sup>

Here Scrutchin established his legal practice unaided by any partners, his success being entirely dependent upon his own ability. Thirty-three years of age and unmarried, he employed Charles Sykes, an elderly African-American widower born in Mississippi, as his cook and personal servant.<sup>9</sup>

Frontier Bemidji attracted only a few other African Americans. The 1900 federal census counted nine in the village, including Scrutchin and Sykes; Thomas Wright, a saloon porter; Andy Cannon and Moses Tailor, barbers; Charles Cruip[?], a baker or barber; and James Godetts, a West Indies immigrant laborer and occasional prizefighter, plus his two children, Doris and James. Only Godetts, Cruip, and



Newspaper advertisement, 1911, announcing “opportunity for an investment or a home” on farm lands in central Minnesota

Wright were married, all to white women. Godetts, Wright, and Scrutchin owned their own homes free of mortgages.<sup>10</sup>

In his first year of practice, Scrutchin gained a reputation as a talented lawyer. He convinced a jury, for instance, to acquit Henry Zarge of a charge of stealing ten tons of hay. In his first

<sup>6</sup> Taylor, “Pilgrim’s Progress,” 58, 85, 86, 87; David V. Taylor, “The Blacks,” in *They Chose Minnesota: A Survey of the State’s Ethnic Groups*, ed. June D. Holmquist (St. Paul: MHS Press, 1981), 79; *Appeal*, Jan. 7, 1899, p. 3; *Minneapolis Afro-American Advance*, June 17, 1899, p. 2. For a brief review of black lawyers in Minneapolis, see Geraldine R. Segal, *Blacks in the Law: Philadelphia and the Nation* (Philadelphia: University of Pennsylvania Press, 1983), 169–71.

<sup>7</sup> David V. Taylor, “The Black Community in the Twin Cities,” in *Black Minnesotans*, vol. 17 of *Roots* (Fall 1988):14; *Appeal*, Sept. 21, 1912, p. 3; *Bemidji Weekly Pioneer*, Feb. 20, 1902, p. 1; S. Edward Hall, interview by David Taylor, tape recording, St. Paul, Dec. 19, 1970, transcript p. 10, MHS.

<sup>8</sup> *Grand Forks Daily Herald*, July 4, 1899, p. 3; Rosemary G. Amble, “Timber, Bemidji’s Greatest Natural Resource,” *Bemidji: First City on the Mississippi* (Bemidji: Centennial Committee, 1995), 13.

<sup>9</sup> Manuscript Census, 1900, roll 756, Bemidji, 171A.

<sup>10</sup> Manuscript Census, 1900, roll 756, Bemidji, 171A–200B.



*People, animals, and tree stumps on Bemidji's newly platted Third Street, 1897*

civil case, he successfully defended W. E. Rose in a suit brought by the Swedback brothers. Scrutchin proved adept at criminal defense, winning three of his first five cases and, according to a later newspaper account, becoming “one of the great criminal lawyers of the northwest when at the height of his career.” He also began a personal tradition of carrying a substantial case load.<sup>11</sup>

Scrutchin quickly won respect from his fellow attorneys, and when the Beltrami County Bar Association formed in 1900, he gained immediate entry. By 1904 he was a vice-president and enjoyed full participation in events such as annual banquets. Of the attorneys in Bemidji’s 11 law offices, Scrutchin had the most advanced degree, a number of the men having merely read the law before joining the bar.<sup>12</sup>

Acceptance also came from other early residents of the county. Scrutchin was a member of the Beltrami County Old Settlers organization, and he regularly attended its annual picnics and meetings. Attorney Scrutchin earned respect from his fellow citizens, a 1902 *St. Paul Appeal* article noted, “by living a clean, thrifty life and acquiring property.” He purchased homes, first on Irvine Avenue and later on Bemidji Avenue, and bought a new office building in downtown Bemidji. Area newspapermen frequently wrote about him and occasionally interviewed him for his opinions on political and racial matters.<sup>13</sup>

Having secured a foothold in his profession, Scrutchin married Laura P. Arnold, a 36-year-old native of Florence, Alabama, on August 27, 1900. According to the information that Laura gave to census enumerators, she was a mulatto,

<sup>11</sup> *Bemidji Weekly Pioneer*, Dec. 15, 1898, p. 7; Register of Criminal Actions, Beltrami Co., Minnesota, A:5, 6, 7, 8, 10, Beltrami Co. Courthouse, Bemidji; Register of Civil Actions, A:76, 85, 89, 96, 119, 120, 121, 123, 124; *Bemidji Pioneer*, July 17, 1930, p. 6.

<sup>12</sup> *Bemidji Weekly Pioneer*, Feb. 1, 1900, p. 4; *Turtle River Pine Tree*, Feb. 15, 1900, p. 1; *City Directory of Bemidji, Minnesota*, 1904, 54; “Chas. W. Scrutchin,” 1–2.

<sup>13</sup> *Bemidji Sentinel*, Sept. 3, 1902, p. 4, Dec. 1, 1904, p. 1; *Appeal*, May 13, 1911, p. 2; Jayne Clark Jones, “Charles W. Scrutchin,” *North Country History* 2 (1982): 13, 14; *Bemidji Weekly Pioneer*, July 5, 1900, p. 4; *Grand Forks Herald*, July 4, 1899, p. 3.

although her death record lists her as white. The two probably met in Chicago or through mutual Chicago friends. Scrutchin officially divorced his first wife Rachel in 1904–05. This required tracing her to Montana, where a local sheriff served the divorce papers. She did not contest the action.<sup>14</sup>

Marriage expanded Scrutchin's social life. Having been denied entry into Bemidji's fraternal organizations, he joined African-American chapters of the Masons and Oddfellows based in Duluth. Together Charles and Laura enjoyed fellowship in the local Methodist Church. They periodically visited friends in Minneapolis and St. Paul and on occasion hosted visitors from Chicago and the Twin Cities.<sup>15</sup>

With Scrutchin's increased contacts in Minneapolis and St. Paul, he and his wife became better acquainted with the African-American community there. In 1906 visitors from St. Paul, including the prominent Mrs. Valdo Turner, ventured to Bemidji for a vacation. Charles and Laura hosted a three-week outing at the Summit Hotel near Lake Julia, where the group enjoyed fishing, camping, and other aspects of "the simple life in the open air." Friends from Chicago and St. Louis completed the ranks of the party. Local resident Leonard Dickinson, seven years old at the time, remembered that the group brought along its own flat-bottomed "clinker" boat and that they brought musical instruments and formed an impromptu band that "played full-speed."<sup>16</sup>

**S**crutchin began working for African-American rights in Minnesota almost immediately after arriving in Bemidji. He served as a representative on the committee that wrote the Minnesota constitutional rights law of 1899, assisting African-American leaders McGhee, J. Frank Wheaton, John Q. Adams, and William R. Morris. After living in Chicago, Scrutchin would surely have

been a source of information about similar attempts in Illinois. The group vigorously defended the bill in legislative committees and actively promoted its passage. Signed into law by Governor John Lind in March, the act prohibited the exclusion "on account of race or color" of persons "from full and equal enjoyment of any accommodation, advantage, or privilege furnished by public conveyances, theaters, or other places of amusement, or by

*Laura Arnold Scrutchin, about 1911*



<sup>14</sup> U.S. Manuscript Census Schedules, 1910, roll 690, Beltrami Co., City of Bemidji, 5B, MHS; "Chas. W. Scrutchin," 1; Stevens, *Bench and Bar*, 2:187; Death Book, Beltrami Co., D:436, Beltrami Co. Courthouse; Jones, "Scrutchin," 14; Register of Civil Actions, Beltrami Co., Case #2032, D:439.

<sup>15</sup> Taylor, "Blacks," 85–86; Jones, "Scrutchin," 14; *Appeal*, June 16, 1900, p. 3, Aug. 24, 1901, p. 3, July 5, 1902, p. 7, Oct. 4, 1919, p. 3, Oct. 9, 1920, p. 3, 4, Dec. 17, 1921, p. 3; transcript of testimony, 11, 19, 20, 25, in *Laura P. Scrutchin v. City of Bemidji*, Case #3196, Civil Actions, Beltrami Co. District Court Records, Minnesota State Archives, MHS; Elizabeth M. McGee, "The Godettes, Early Black Residents of Beltrami Co.," *North Country History* 2 (1980): 66.

<sup>16</sup> *Bemidji Weekly Pioneer*, Aug. 16, 1906, p. 8; Leonard R. Dickinson, interview by author, tape recording, Bemidji, Dec. 30, 1989.

hotels, barber shops, saloons, restaurants, or other places of refreshment, entertainment, or accommodation." Violation of the law was a misdemeanor, but victims of discrimination could also sue in civil court for damages up to \$500. Minnesota thus joined Wisconsin and other northern states passing laws "prohibiting the drawing of the 'color' line in any public place of entertainment or business."<sup>17</sup>

The 1899 law stood as a landmark victory for Minnesota's African Americans. It was first tested in June of the same year when Sawyer's, a fashionable Minneapolis saloon, refused to serve William Jeffrey a glass of beer. Attorney J. Frank Wheaton won the criminal case for the amount of \$25 and Jeffrey's court costs. Commenting on law, freedom, and society in a Memorial Day speech in 1900, Scrutchin told members of the Bemidji Grand Army of the Republic that there were "victories yet to win" in Minnesota. He urged that "wherever prejudice or conspiracy deny to any man or set of men the just and equal protection of the law on account of race, color or previous conditions," then veterans and nonveterans alike should continue to fight for the rights of all.<sup>18</sup>

While Scrutchin avowed that he had always been granted "full and equal privileges of all public places, hotels and accommodations" in Minnesota, his own first test of equal rights in the state was soon to come. In late January 1901 he entered Eugene Smith's barbershop in Blackduck, a raw logging town 20 miles from Bemidji, and requested a shave. Barber Smith said, "It will cost you five dollars to get shaved here," even though the usual rate was only 15 cents. Smith next declared that he had never shaved a black man and he was "not going to commence" with the practice at that point, either. When Scrutchin asked Smith if he had refused to shave him "on account of his color," Smith said, "Yes."<sup>19</sup>

Scrutchin then had the barber arrested for violation of the new Minnesota law, but the local justice dismissed the case. Undeterred, Scrutchin promptly brought a civil suit against Smith, asking for \$100 in damages "for the affront put upon him."



Bemidji's Beltrami County Courthouse, built 1902, now on the National Register of Historic Places

Scrutchin asked for a jury trial, enlisting W. F. Street and John F. Gibbons, both of Bemidji, to act as his attorneys. The case attracted much attention, and the courtroom in Bemidji could hardly hold the number of people who wanted to view the proceedings. The testimony lasted for two days and contained "rather acrimonious" debate over Smith's use of some derogatory terms concerning African Americans. The barber hoped to show that his family had favored the abolition of slavery because his father had fought for the Union army, but the

<sup>17</sup> *Revised Laws of Minnesota, 1905* (St. Paul: West Publishing Co., 1905), 540; *St. Paul Pioneer Press*, Jan. 14, 1899, p. 5; *Bemidji Weekly Pioneer*, Feb. 6 and 20, 1902, p. 1; Taylor, "Pilgrim's Progress," 103; *Appeal*, Feb. 18, 1899, p. 4. For a profile of Adams, see David V. Taylor, "John Quincy Adams: St. Paul Editor and Black Leader," *Minnesota History* 43 (Winter 1973): 282-96.

<sup>18</sup> *Minneapolis Afro-American Advance*, June 24, 1899, p. 2, 3; *Bemidji Weekly Pioneer*, May 31, 1900, p. 7.

<sup>19</sup> Here and three paragraphs below, *Bemidji Weekly Pioneer*, Feb. 6 and 20, 1902, p. 1; *Bemidji Sentinel*, Feb. 5, 1902, p. 1.

court ruled that Smith “would be responsible for his own acts, notwithstanding he may have had an illustrious parentage.”

The jury failed to agree on a verdict in a reasonable amount of time. Eleven of the jurors favored Smith, while one person held out for justice according to Minnesota law. Judge John M. Martin next dismissed the jury and instructed the sheriff to enlist a new one, but the attorneys for Scrutchin and Smith agreed to allow the judge to decide the case rather than convene another jury. Although the law was clear and Smith should have been held liable, Scrutchin had to be concerned that Judge Martin was a southern man born into a slaveholding family in the state of Mississippi. Martin defended his own impartiality, contending that he had “always desired” to see the “black man receive equal rights under all conditions and circumstances with the white man.”

Judge Martin gave both sides some satisfaction. He ruled in favor of Scrutchin and ordered Smith to pay for the costs of the trial and Scrutchin’s attorney fees plus damages amounting to \$5 (not \$100), the cost of the original overpriced shave. Scrutchin had his proper victory, and Smith was chastened for his discriminatory actions.<sup>20</sup>

Not surprisingly, the 1902 case brought attention to the enterprising attorney from Bemidji. Scrutchin’s victory was headlined in the *St. Paul Appeal*, and he became the foremost spokesman on interracial issues in northern Minnesota.<sup>21</sup>

**D**espite the new laws, racial discrimination in Minnesota continued in many ways. Some restaurants overcharged blacks and Native Americans for meals or smothered their food with too much hot pepper. Saloonkeepers and restaurateurs ignored would-be patrons, forcing them to leave without being served. Although African Americans had legal access to public accommodations such as hotels and restaurants, land-

lords could and did refuse to rent them houses and apartments. As a result, the *Appeal* advised readers to save “car fare and time” and “avoid embarrassment” by getting a list of houses where they would be considered acceptable renters.<sup>22</sup>

Eager to participate in the struggle against discrimination, Scrutchin traveled to St. Paul in July 1902 to attend three major gatherings. The twenty-third annual meeting of the Afro-American Press Association began first. On the evening of July 7, Pilgrim Baptist Church was filled to capacity when Scrutchin delivered a short address titled “The Outlook of the Race.” His was one of eight talks by speakers from around the nation.<sup>23</sup>

The next day, the Bemidji attorney was elected second vice-president of the Minnesota Afro-American Republican Association. He was also appointed to its executive committee, where he began his acquaintance with editor Adams of the *Appeal*.<sup>24</sup>

Then, on July 9, the senate chamber of the Minnesota State Capitol served as the setting for the preliminary meetings of the National Afro-American Council. After Governor Samuel R. Van Sant welcomed the organization to Minnesota, Scrutchin had the opportunity to hear addresses by three of the most eminent national African-American leaders of the era: W. E. B. Du Bois, the Harvard-educated scholar, teacher, and sociologist; T. Thomas Fortune, journalist and organizer of the Afro-American League; and Booker T. Washington, founder of Tuskegee Institute.<sup>25</sup>

At this pivotal convention Scrutchin aligned with the Booker T. Washington faction that advocated slow progress to racial equality through manual-training education rather than militant political action. In a power play, the group elected its slate of officers by calling for a vote when many of the delegates were absent. Scrutchin was elected eighth vice-president of the council, serving as Minnesota’s representative. St. Paul attorney McGhee accepted a position as financial secretary, but he resented the methods used by Washington’s supporters and eventually broke with them.<sup>26</sup>

<sup>20</sup> *Bemidji Weekly Pioneer*, Feb. 13, p. 7, Feb. 20, p. 1; *Appeal*, Feb. 15, p. 2; *Blackduck American*, Jan. 29, 1902, p. 8—all 1902.

<sup>21</sup> *Appeal*, Feb. 15, 1902, p. 2.

<sup>22</sup> *Crookston Polk County Journal*, Aug. 27, 1908, p. 3; *Appeal*, June 12, 1909, p. 3, Oct. 7, 1911, p. 3.

<sup>23</sup> *St. Paul Pioneer Press*, July 6, p. 10, July 7, p. 2, July 8, p. 4, July 9, p. 3; *Appeal*, July 19, p. 2—all 1902.

<sup>24</sup> *St. Paul Pioneer Press*, July 9, 1902, p. 3.

<sup>25</sup> *St. Paul Pioneer Press*, July 6, 1902, p. 10, July 10, 1902, p. 2.

<sup>26</sup> *St. Paul Pioneer Press*, July 11, 1902, p. 3; *Appeal*, July 19, 1902, p. 1.

Numerous other delegates objected to this “snap election” of Washington’s hand-picked candidates, bringing on the council’s decline shortly after the meeting. Du Bois, for example, turned to promoting political action and professional education for the “Talented Tenth” of African Americans. He championed the Niagara Movement in 1905 and the National Association for the Advancement of Colored People in 1909 as the council’s legitimate successors.<sup>27</sup>

However contentious, the conventions boosted Scrutchin’s visibility as a spokesman for African Americans in Minnesota. In 1904, when rumors circulated that a group of blacks, under the patronage of Booker T. Washington, were planning a colony in Blackduck, Bemidji journalists sought out Scrutchin. In an interview he stated that for two years the colonization scheme had been his own “pet project” because it represented a possible avenue of advancement for southern blacks. Newspapers such as the *New York Times* noted the resistance that local residents mounted to the rumored colony, although no settlers ever materialized.<sup>28</sup>

**A**mong the six African Americans practicing law in Minnesota in 1900 (out of total of 2,497 lawyers), Scrutchin was the only one who lived outside the Twin Cities. Discrimination and the absence of a large African-American community would keep the number under a dozen for the next three decades.<sup>29</sup>

To make his living, Scrutchin handled all types of legal cases in the Bemidji region, but he became known as a lawyer who frequently represented the “laboring man.” In 1910 most lumberjacks were recent immigrants; the 1910 census listed only seven African American woodsmen in the state. According to Clarence Smith, former county attorney for Beltrami, jacks considered Scrutchin their “favorite counsel.” They did not care about the color of his skin; they “liked him because of his ability.” His

<sup>27</sup> *St. Paul Pioneer Press*, July 10, 1902, p. 2, July 11, 12, 1902, p. 3; Taylor, “Blacks,” 80.

<sup>28</sup> *Bemidji Sentinel*, Dec. 4, 1904, p. 1; *New York Times*, Nov. 28, 1904, p. 7; *Bemidji Weekly Pioneer*, Dec. 1, 1904, p. 5; Earl Spangler, *The Negro in Minnesota* (Minneapolis: T.S. Denison and Co., 1961), 42, 46, 54, 55, 66–67.

<sup>29</sup> Smith, Jr., *Emancipation*, 624, 626, 629, 631.





Attending the 1902 Afro-American Council meeting in St. Paul were (first row center, left to right) Booker T. Washington (in light-colored suit), Rev. Alexander Walters of New Jersey, and national antilynching crusader and suffragist Ida Wells Barnett (in white blouse). Frederick McGhee stands two rows behind Washington, and W. E. B. Du Bois is probably the goateed man at Barnett's right shoulder. Scrutchin's face cannot be identified in this newspaper photograph.

fees were also lower than those of other local attorneys.<sup>30</sup>

Because cases brought by workers against lumber companies were not financially rewarding, Bemidji's other lawyers did not mind Scrutchin taking this type of business. For instance, in 1904 Scrutchin received just \$20 as his "reasonable charge" for filing a lumberjack's lien for Rudolph Trombly of Bemidji against the Kearney Brothers lumber company of Blackduck. In another case that year, Scrutchin gained a judgment of \$41.75 for Allen Fitzgerald in an action against the lumber company that had not paid Fitzgerald in full for cutting cedar poles and railroad ties. It was not an easy living, but, as one newspaper observed, "That man Scrutchin is a worker."<sup>31</sup>

In cases likely to be more lucrative, Scrutchin no doubt suffered discrimination. A review of his almost 500 cases in Beltrami County shows that local banks and businesses awarded legal work in estate, property, and financially significant cases to white attorneys.<sup>32</sup>

One way Scrutchin attracted clients was through the attention he gained by handling

criminal cases. Among several highly publicized legal defenses he mounted during his first decade in Bemidji was the case of African-American James Godetts. Godetts had professionally boxed under the name of "Jimmy Dodds" in Michigan and, on occasion, in Bemidji. He and his wife and three children homesteaded near Big Falls, north of Bemidji.<sup>33</sup>

On the claim adjacent to Godetts lived Charles Williams, an African American who had been a barber in Bemidji, Fort Francis, and Duluth. Nearing 60 years of age, Williams acquired his homestead in the piney woods around 1907, about the same time that the Godetts family did. Williams contracted with Godetts to cut cedar logs but then failed to pay him. This resulted in bitter feelings between the two men.

In August 1907, after exchanging angry words, Williams allegedly threw an ax at Godetts, rushed into his cabin, and returned with a shotgun, which he pointed at his neighbor. Godetts fled to his own cabin and returned with a pistol. Shots were exchanged until Williams lay dead with four bullets in his body.

<sup>30</sup> Clarence Smith, interview by author, Bemidji, Oct. 9, 1993, notes in author's possession; "Chas. W. Scrutchin," 1; United States Bureau of the Census, *Negro Population in the United States 1790–1915* (New York: Arno Press, 1968), 514; Art Lee, "Hometown Hysteria: Bemidji at the Start of World War I," *Minnesota History* 49 (Summer 1984): 66.

<sup>31</sup> *Lumberjack Trombly v. Kearney Brothers*, Case #1708, and *Fitzgerald v. Paige Hill Company*, Case #1707, Civil Actions, Beltrami Co. District Court Records, Minnesota State Archives, MHS; *Bemidji Sentinel*, May 4, 1905, p. 5; Smith, Jr., *Emancipation*, 13.

<sup>32</sup> Register of Civil Actions, vols. A–P; Smith, Jr., *Emancipation*, 11; Douglas Cann, attorney, conversations with author, Bemidji, 1994.

<sup>33</sup> Here and two paragraphs below, *Bemidji Weekly Pioneer*, Aug. 29, 1907, p. 7, Sept. 5, 1907, p. 1, 8.

Panoramic view of Bemidji, about 1909, spreading along the shores of Lake Bemidji



Godetts turned himself in to the Koochiching County authorities, claiming self-defense. The grand jury brought a first-degree murder charge against Godetts, who turned to Scrutchin for his defense.<sup>34</sup>

This was the second time that Godetts had called upon Scrutchin's legal services. In 1899 in East Grand Forks, Godetts had also gotten into trouble. He routinely carried a knife as a precaution against racially motivated abuse, and one day in a saloon local toughs, aided by police, took it away. Officer Hans Ellingson then arrested Godetts for causing the fracas, charging him with the offense of resisting an officer. Found guilty in municipal court, the boxer was punished with a \$100 fine or 90 days in jail. Unable to pay, Godetts sat in jail for a week until he could post bail. Scrutchin appealed the case and won Godetts's release on grounds that the original warrant and complaint had not stated "facts sufficient to constitute a public offense."<sup>35</sup>

Eight years later in the murder trial at International Falls, Koochiching County Attorney C. W. Stanton centered his case on Godetts's statement that he had fired the last two shots into the deceased while Williams was on the ground. For the defense Scrutchin countered that an alleged confession by Godetts could not properly be introduced to the court because it had been improperly attained while Godetts was handcuffed and in the sheriff's cus-

tody. Godetts testified that Williams had tried to shoot him with the shotgun even as Godetts fired the last, and fatal, shot into the prone Williams. Thus, he had acted in self-defense.<sup>36</sup>

Although the all-white jury found Godetts guilty, Scrutchin won a partial victory when Godetts was sentenced to life imprisonment at hard labor in Stillwater State Prison rather than getting the death penalty by hanging. Judge Marshall A. Spooner praised the jury for its work, commenting that "the verdict was what was desired in a new county, to indicate that lawlessness would not go unpunished."

Because this murder case involved two African Americans and an African-American attorney, it attracted considerable local attention. According to a newspaper account, when Scrutchin delivered his closing statement, "There was much craning of necks to get a look at Bemidji's colored attorney, who was defending one of his own race on the most serious charge in the criminal calendar." A local newsman noted that "when Mr. Scrutchin started to talk, every eye in the courtroom was fixed on him." The reporter further judged that Scrutchin had "put up a strong fight to save Godetts' neck," but Godetts had "practically put the noose under his own ear by his admissions at the time of the coroner's inquest." While surely disheartened by the outcome in this noteworthy case, Scrutchin learned valuable

<sup>34</sup> *Bemidji Weekly Pioneer*, Aug. 29, 1907, p. 8, Oct. 24, 1907, p. 4.

<sup>35</sup> *State of Minnesota v. James A. Godetts*, Case #976, Criminal Actions, Polk Co. District Court Records, Minnesota State Archives, MHS; *East Grand Forks Courier*, Sept. 29, 1899, p. 1, Oct. 6, 1899, p. 8.

<sup>36</sup> Here and two paragraphs below, *Bemidji Weekly Pioneer*, Feb. 27, 1908, p. 1, 2, 8.





Bemidji townspeople on a wooden boardwalk at the train depot, about 1905

lessons about how to select a jury and how to carry himself in the courtroom. He also tried out an emotional closing statement that asked the white court and white jury to imagine themselves being tried in the South before a black court and a black jury.

**S**crutchin's other major criminal case represented a clear legal triumph rather than a moral victory. In 1909–10 he managed to have a white defendant, Paul Fournier, cleared of prior convictions on two highly publicized first-degree murder charges. Aggressively pursuing appeals to the Minnesota Supreme Court, Scrutchin first successfully argued for a new trial for his client. Securing a change of venue from Bemidji to Brainerd, he made a "passionate plea" in defense of Fournier that gained him an acquittal in December 1909 in the murder of N. O.

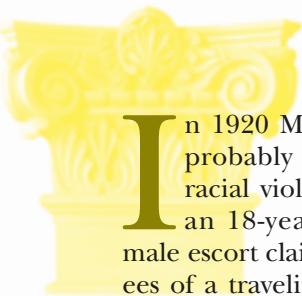
Dahl. In May 1910 the jury in the Aagot Dahl trial held in Aitkin, responding to Scrutchin's "eloquent appeal," needed only 23 minutes to acquit Fournier again. These successes bolstered Scrutchin's reputation as one of the best criminal lawyers in Minnesota, which in turn attracted more business to his Bemidji office.<sup>37</sup>

In the next decade, Charles Scrutchin participated in no similarly dramatic cases, carrying his case loads in Beltrami and Clearwater Counties with quiet competence. Personal matters, however, weighed heavily upon him. Charles and Laura had two children, but neither lived past infancy. In 1907 Laura had been seriously injured when she fell through a wooden sidewalk on Irvine Avenue in Bemidji. Bruising her head and legs and breaking two ribs that were "torn off from the vertebra," she suffered permanent spinal and eye injuries, Dr. Frank A. Blakeslee testified. Although she received partial compensation of \$503.30, her health declined. By 1918 Laura was so disabled that Charles felt compelled to send her, in the

<sup>37</sup> *Bemidji Weekly Pioneer*, Jan. 9, 1908, p. 6, July 22, 1909, p. 2, Sept. 2 and 9, 1909, p. 1, Dec. 16, 1909, p. 8, Dec. 23, 1909, p. 3, Jan. 27, 1910, p. 1, May 26, 1910, p. 1.

company of a personal maid, to Hot Springs, Arkansas, for healing.<sup>38</sup>

In these years Scrutchin's role as a civil-rights advocate diminished. He supported the war effort in 1917–18, and his "recognized ability" as an orator led the community of Bemidji to ask him to deliver the town's 1918 Memorial Day address. Citizens packed the Grand Theater to hear Scrutchin and Rev. L. P. Warfield speak about the heroic sacrifices of American soldiers, past and present.<sup>39</sup>



St. Paul branch stepped quickly into action, dispatching African-American attorney J. Louis Ervin of St. Paul and a special detective to gather facts in Duluth. There they concluded that the "lynched men were innocent of the crime for which they were murdered," because, according to a special report published in the *Appeal*, "The physician who examined the girl testified that she had not been assaulted at all." The NAACP also raised money through a Duluth Defense Fund for the trials of the men still held as suspects although the veracity of the supposed sexual assault had come under question. Governor Burnquist, president of the St. Paul NAACP, called for a full state investigation of the alleged assault and the lynch-mob violence.<sup>41</sup>

A Duluth grand jury brought 30 riot and murder charges against the white lynchers and rape indictments against seven circus workers whom the young man had identified by voice, height, and weight rather than face and clothes. (The woman helped with the identification, although she had reportedly fainted during the alleged incident.) Between September and November the district court found only three of the lynch-mob members guilty, and they were convicted of rioting, not of murder.<sup>42</sup>

Trying to gain just treatment for the circus workers, the NAACP had quickly hired a team of three African-American attorneys to defend the seven men indicted for sexual assault. The most prominent nationally was F. L. Barnett of Chicago, who had experience representing African Americans accused of murder and other crimes in the Chicago race riots of 1919. R. C. McCullough of Duluth provided local expertise and a regionally recognized profile. The third member was Charles Scrutchin, 55 years old and now back in the forefront of civil-rights activities in Minnesota.<sup>43</sup>

In response, the national NAACP and its

Preparations for the defense of the circus

<sup>38</sup> Manuscript Census, 1910, roll 690, Bemidji, 5B; complaint, 1–2, final judgment, 1, transcript of testimony, 48, 54–56, 60, in *Laura P. Scrutchin v. City of Bemidji; Appeal*, July 6, 1918, p. 3.

<sup>39</sup> *Bemidji Pioneer*, May 20 and 31, 1918, p. 1.

<sup>40</sup> *New York Times*, June 16, p. 1, June 17, p. 3, June 18, p. 12, June 19, p. 18; *Minneapolis Morning Tribune*, June 16, p. 1, 2; *Bemidji Pioneer*, June 16, p. 1, June 19, p. 1—all 1920. For an account of the Duluth lynching and trials, see Michael W. Fedo, 'They Was Just N——' (Ontario, Cal.: Brasch and Brasch, 1979). Fedo (p. 170) relies too heavily on limited sources and incorrectly suggests that Scrutchin frequently defended whites against blacks, thereby earning "tidy fees."

<sup>41</sup> *Minneapolis Morning Tribune*, June 18, 1920, p. 2; *Appeal*, Nov. 29, 1919, p. 3, June 17, 19, and 26, 1920, p. 2, July 3 and 10, 1920, p. 3; Dec. 11, 1920, p. 4.

<sup>42</sup> *Duluth News Tribune*, Nov. 23, p. 1, Nov. 24, p. 1; *Minneapolis Tribune*, Sept. 3, p. 1; *Duluth Herald*, Nov. 22, p. 1, Nov. 24, p. 7—all 1920; Fedo, 'They Was Just N——', 157–59.

<sup>43</sup> *Duluth News Tribune*, Nov. 30, p. 6; *Appeal*, Dec. 11, p. 3; *Duluth Evening Herald*, Nov. 22, p. 1, Nov. 24, p. 7, Dec. 2, p. 1, 7—all 1920.

# JUDGE LYNCH IN MINNESOTA

At least 20 people have met Judge Lynch in Minnesota. Sources to document these extralegal events, however, are widely scattered and far from official. Furthermore, some lynchings surely went unrecorded, especially if victims were dispatched before being turned over to the authorities.

In 1848, before Minnesota became a territory, a mob in the St. Croix Valley illegally tried and then hanged Paunais, an Ojibway accused of murdering a white trader (see pages 56–57). Just before statehood, a group of armed men near Little Falls hanged two Indians and a mixed-blood man—Charles Gebabish, “Jimmy,” and Joe Shambeau—for suspected murder. Lone white men in the villages of Lexington and Monticello received the same treatment for alleged murders in the two following years.<sup>1</sup>

In 1865 John L. Campbell, of mixed ancestry, was hanged after an irregular citizens’ court trial for murder in Mankato, and the next year two Yankee trappers wearing native and woodsman clothing were strung up by Germans in New Ulm after drunken interchanges. In Brainerd in 1872, after preliminary courtroom investigations about a woman presumed to be dead, Gegoonce (Albert Smith) was hanged and his brother Tebekokechickwabe shot after he crawled up the hangman’s rope. The event, which brought more than 100 angry Ojibway to town the next day, led to an incident facetiously labeled the Blueberry War.<sup>2</sup>

Ten years later, a large crowd of Minneapolitans hanged a white tramp accused of molesting and murdering a young girl. Otter Tail County citizens similarly dispatched 15-year-old John Trivitt, who allegedly borrowed a double-barreled shotgun to rob and murder two visitors to Perham. In 1886 a mob hanged John W. Kelliher, also known as Reddy or Big Red, in Detroit (Lakes), and in 1893 mobs lynched a white man accused of rape near Duluth and an Indian accused of murder at Cass Lake. Three years later two white tramps believed to be murderers were



Lynching victim hanging from a burr oak at Fourth and Grant Street, Minneapolis, 1882

hanged in Glencoe.<sup>3</sup>

Between 1889 and 1918, the nation suffered at least 3,224 deaths by lynching, more than three-quarters of them of African Americans (but none in Minnesota). About 7 percent occurred in northern states, 88 percent in southern states, and 5 percent in western states.<sup>4</sup>

By 1920 almost a quarter-century had passed since Minnesotans had resorted to violence under the pretense of administering justice, and the number of lynchings nationwide by five-year periods had been declining steadily since the 1890s. Then, the nighttime hangings in Duluth of three young African-American circus workers horrified the state and the nation. This incident led to the passage in 1921 of a strong state antilynching law that compensated relatives of victims and suspended police officials who

failed to protect prisoners from mobs. No lynchings have been reported to have occurred in Minnesota since that time.<sup>5</sup>

—MARIYN ZIEBARTH

<sup>1</sup> Robert D. Pomeroy, “Morrison County’s Only Lynching,” typescript, 1966, p. 1, 6, MHS; Walter N. Trenerry, *Murder in Minnesota: A Collection of True Cases* (St. Paul: MHS, 1985), 8–10, 18–19.

<sup>2</sup> Trenerry, *Murder in Minnesota*, 43, 45–47, 76–84.

<sup>3</sup> The *Minneapolis Tragedy: A Full Account of the Crime of the Fiend, Frank McManus, and the Swift Retribution of an Outraged Community* (Minneapolis: Haywood and Kruckenberg, 1882), 3–8; Elmer E. Adams, “Comment,” photocopied undated clippings, *Fergus Falls Daily Journal*, 1922, MHS; photo and photo identification, June 23, 1886, MHS; *Thirty Years of Lynching in the United States, 1889–1918* (1919; reprint ed. New York: Negro Universities Press, 1969), 74.

<sup>4</sup> *Thirty Years of Lynching*, 29, 31n.

<sup>5</sup> *Thirty Years of Lynching*, 30; Frank Shay, *Judge Lynch: His First Hundred Years* (New York: Ives Washburn, 1938), 262–63. While lynchings have almost vanished, racially

workers were intense. McCullough articulated the team's strategy: "We contend there was no rape committed. There might have been a robbery." The defense lawyers speculated it might be necessary to appeal one or all of the cases to the state supreme court.<sup>44</sup>

Barnett served as the chief spokesman for defendant Max Mason, whose trial came first. Barnett conceded that "the girl's ring may have been stolen and the boy's watch taken," but argued that neither Mason nor anyone else sexually assaulted the young woman. The prosecution, however, successfully played upon the fears and prejudices of the jury, and the November 22–28 trial resulted in Mason being sentenced to Stillwater prison for "not more than thirty years."<sup>45</sup>

William Miller's trial followed on November 29. This time Scrutchin took the lead role for the defense, although Barnett conducted some of the questioning. County Attorney Warren E. Greene, even more aggressive in his final arguments than he had been in Mason's case, asked the jury if, by acquitting Miller, it was willing to label the allegedly assaulted young woman "a falsifier and a prostitute." For his part, Scrutchin declared, "If this girl was ravished as she claims to have been, she would have been taken to a morgue instead of her home." He also emphasized the original doctor's report that she had not been assaulted at all. After six hours of deliberations, the jury voted on December 2 to acquit Miller.<sup>46</sup>

Attorney Scrutchin won the case for several reasons. First, he had thoroughly honed his lawyer's skills in previous criminal cases, and although he had lost his only prior sexual-assault case, he had learned valuable lessons. He observed then that the jury had been "influenced by passion and prejudice in rendering their verdict," which was "contrary to and not justified by the evidence." In the Miller case, Scrutchin worked strenuously to overcome the usual emotional response of the jurors to an alleged rape.<sup>47</sup>

Scrutchin may also have fared better than Barnett because Scrutchin was a Minnesotan, a local attorney. The jury probably did not identify very well with *any* black lawyer, but surely not



*Announcement of circus-worker Miller's acquittal in Duluth newspaper; page 2 merely identified "attorney Charles W. Scrutchins, colored," as the main counsel for the defense.*

with an outsider from Chicago. In addition, although the defense team used the same strategies as in the first case, Scrutchin proved to be more forceful and persuasive than Barnett.<sup>48</sup>

Finally, given the racially charged atmosphere, an acquittal was perhaps possible only after the Mason jury had shown that someone would be found guilty and punished. The cases echoed the trial of prizefighter Godetts, who had been convicted, according to the Bemidji press, to show "that lawlessness would not go unpunished." Although the state's case against

<sup>44</sup> *Duluth Sunday News Tribune*, Nov. 28, 1920, p. 1; *Duluth Herald*, Dec. 2, 1920, p. 1.

<sup>45</sup> *Duluth News Tribune*, Nov. 27, p. 3; *Duluth Herald*, Nov. 27, p. 1, Dec. 2, p. 1—all 1920.

<sup>46</sup> *Duluth News Tribune*, Dec. 1, 1920, p. 3, Dec. 2, 1920, p. 1.

<sup>47</sup> *State of Minnesota v. Arthur Brannick*, Case #869, Criminal Actions, Beltrami Co. District Court Records, Minnesota State Archives, MHS.

<sup>48</sup> *Duluth News Tribune*, Nov. 28, 1920, p. 1, Nov. 30, 1920, p. 6.

Mason was slightly stronger than the case against Miller, the best chance for acquittal was clearly not in the first trial. Significantly, after the decision in the Miller case, the judge dismissed the remaining cases because the prosecution could not even clearly identify the other circus workers who had been summarily arrested.<sup>49</sup>

Immediately after the trials, the St. Paul and Minneapolis chapters of the NAACP stepped up efforts to secure an antilynching law in Minnesota. Mrs. William T. Francis, with the assistance of her husband, a St. Paul attorney, formulated and wrote the bill and lobbied for its passage by the state legislature. W. E. B. Du Bois helped create a climate for approval of the bill by speaking in Duluth in March 1921. When passed by both houses in April, it contained measures that provided up to \$7,500 in compensation for relatives of lynch-mob victims and allowed for suspension of police officials who failed to protect prisoners from mobs.<sup>50</sup>

Minnesota's law was a direct response to the travesty in Duluth. A number of other states also passed legislation in the early 1920s, but only in order to quench the desire for a federal regulation. Laws passed in southern states were also declarations of states' rights and attempts to preserve the status quo. No federal antilynching bill ever passed, even though many bills were introduced into Congress after 1900.<sup>51</sup>

**A**fter the Duluth trials, Charles Scrutchin returned to his home on Bemidji Avenue and his downtown law office. Laura's condition slowly deteriorated until her death on December 18, 1928.<sup>52</sup>

Charles, who had developed diabetes in 1925, found that his illness sometimes confined him to his home, but he continued carrying a considerable legal practice. A housekeeper, Mrs. Adeline Webber, provided care, but his dis-

ease advanced quickly, and he died of "apoplexy, dropsy" on July 14, 1930. Because Scrutchin had no living relatives, the Bemidji Bar Association conducted his funeral arrangements, and local lawyers served as pallbearers. Attorney P. J. Russell, an old friend, delivered the funeral oration. Scrutchin was buried beside his wife in Bemidji's Greenwood Cemetery.<sup>53</sup>

Extensive expenses from his wife's illnesses and his own diabetic condition left his estate in shambles. To pay his medical bills, he had fallen behind on property taxes and taken out a second mortgage on his home. He owed \$392 to his housekeeper and small sums to two men who had served as his drivers in his last years. His new 1929 Model A automobile, his law library, and his rolltop desk as well as his house and office were sold. Scrutchin willed that the proceeds be given to Webber and four friends, including Billy Williams, the governor's executive messenger in St. Paul.<sup>54</sup>

When Scrutchin died, the memory of his accomplishments seemed also to die. His obituaries lacked substance about his work and activism. They contained no lists of his important cases or the offices that he held. No relatives survived to provide details for an obituary or keep his reputation alive.<sup>55</sup>

Scrutchin had outlived his own generation of African-American leaders in Minnesota. *Appeal* editor J. Q. Adams had died in 1922 (Scrutchin was an honorary pallbearer), and the newspaper folded in 1923. Lawyer Frederick McGhee died in 1912, and J. Frank Wheaton, who left Minneapolis to practice law in New York, died in 1922. W. T. Francis, appointed U.S. minister to Liberia in 1927, died of yellow fever there in 1929. By 1930 the editors of Minneapolis's *Northwest Monitor*, the successor to the *Appeal*, did not seem aware of Scrutchin or his accomplishments. The only member of the Twin Cities African-American community known to have attended Scrutchin's funeral was Billy Williams.<sup>56</sup>

<sup>49</sup> *Bemidji Weekly Pioneer*, Feb. 27, 1908, p. 8; *Appeal*, Dec. 18, 1920, p. 2.

<sup>50</sup> *Appeal*, Mar. 26, p. 2, Apr. 9, p. 3, Apr. 23, p. 2, May 7, p. 3—all 1921.

<sup>51</sup> Donald L. Grant, *The Anti-Lynching Movement: 1883–1932* (San Francisco: R and E Research Associates, 1975), 65–75, 168, 172.

<sup>52</sup> Death Book, Beltrami Co., D:436.

<sup>53</sup> *Bemidji Pioneer*, July 14, p. 3, July 17, p. 6; *Bemidji Sentinel*, July 18, sec. 2, p. 1; *Minneapolis Tribune*, July 16, p. 3, July 17, p. 8—all 1930; Death Book, Beltrami Co., D:467.

<sup>54</sup> Estate of Charles W. Scrutchin, probate file #2334, Beltrami Co. Courthouse, Bemidji.

<sup>55</sup> *Bemidji Pioneer*, July 14, 1930, p. 3.

<sup>56</sup> *Appeal*, Sept. 16, 1922, p. 1, Jan. 21, 1922, p. 2; Taylor, "John Quincy Adams," 290, 295–96; David V. Taylor, *Blacks in Minnesota: A Preliminary Guide To Historical Sources* (St. Paul: Minnesota Historical Society, 1976), 14, 15; Taylor, "Blacks," 79, 80; Taylor, "Pilgrim's Progress," 119, 122; Spangler, *Negro in Minnesota*, 70; *Northwest Monitor*, July 22, 1930, p. 1.

Scrutchin was forgotten because of racism, as well. While Bemidji residents had respected the great talents he demonstrated in his prime, their admiration diminished along with his health. Minnesota newspapers misspelled his name as "Scrutchins" and continually identified him as a "colored lawyer." Some of his acquaintances mistook Mrs. Webber, his white German housekeeper, for his wife, creating uncertainty about another part of his identity.

Upon his death Bemidji's newspapers failed to write a proper obituary. Although the *Bemidji Pioneer* did acclaim him "one of the outstanding attorneys of the northwest, being especially well known for his ability in criminal cases," it omitted his many accomplishments, documented over the years in the local press. The omission is notable because most newspapers kept up-to-date files on elderly or ill community leaders.<sup>57</sup>

By the 1980s and 1990s, the few Bemidjians who recalled Scrutchin painted a positive image, remembering him as "quite an outstanding person" who "carried a lot of respect" in the community. Attorney Clarence Smith, a contemporary and friend of Scrutchin, admitted that although Scrutchin was "very well regarded and respected" and "recognized as one of the really good lawyers" in the region, he was "discriminated against."<sup>58</sup>

The words of J. Q. Adams describe both Adams and Scrutchin, men who helped battle "with pen and tongue against the rising tide of race prejudice, discrimination, injustice and mob-murder." While both leaders furthered social equality through antidiscrimination and antilynching legislation, neither lived to see the significant advances in civil rights that were still two generations in the future.<sup>59</sup>

<sup>57</sup> *Bemidji Pioneer*, July 14, 1930, p. 3.

<sup>58</sup> Dickinson interview; Smith interview. Scrutchin did legal work for Dickinson's father, owner of a box factory. Smith began his legal practice in Bemidji after World War I.

<sup>59</sup> J.Q. Adams, "After Forty Years," *Appeal*, Aug. 13, 1921, p. 2.

*The images on p. 59 and 63 are from the St. Paul Appeal, Oct. 28, 1911, p. 3; on p. 66–67, from July 19, 1902, p. 1; on p. 61, from Aug. 5, 1911, p. 4. The image on p. 73 is from the Duluth Herald, Dec. 2, 1920, p. 1. The photo on p. 62 is from the Beltrami County Historical Society. All others are in the MHS collections.*





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