

BOOK REVIEW

AND JUSTICE FOR NONE^{*}

by

Evelyn Fesenmaier Wallace *with* Greta Bishop

Evelyn Fesenmaier Wallace is the primary author of *And Justice For None*, which she carefully notes is a work of historical fiction.[†] The historical part is that it is a story told to Wallace by her father. A biographical profile of Wallace on the final page of the book states:

Her father lived with [her and her husband] in his last years and was persistent in his desire to have the story of “And Justice For None” told, preferably in a book. Twenty years have passed, but it has finally come to fruition

^{*}Evelyn Wallace Fesenmaier with Greta Bishop, *And Justice For None*. In-Your-Hand Books Publisher, Milwaukee, Wisconsin: 2002. 281 p.

Reviewed by John Isch, who lives in New Ulm, Minnesota, and is a member of the Brown County Historical Society.

[†] Curiously, the book has two somewhat contradictory disclaimers. The first, on the copyright page, undoubtedly reflects the views of the publisher:

This is a work of fiction. Names, characters, places and incidents are either the product of the author’s imagination or are used fictitiously, and any resemblance to any actual persons, living or dead, events, or locales is entirely coincidental.

The second, reflecting the true sentiments of the author, appears in larger type on the following page:

Based on a true story.
The names and places have been changed
to protect the innocent.

All the characters in the story have been renamed, although her father's name is thinly disguised—by one letter. In the novel his last name is spelled Fesenmayer whereas in real life it was Fesenmaier. The town where the incident occurred is also renamed.

The story told by Wallace, with the assistance of Greta Bishop, is this: John Rivers, an African American slave, flees shortly before the Civil War ends from the plantation where he is enslaved. He eventually makes his way to Minnesota where he purchases a farm, marries, and has three children, Abe, Henry, and Hall. The story then jumps to 1921 when the three boys have grown up and are working as farm hands in south central Minnesota. Hall and Henry are courting a young white girl from the farm where Hall and Henry are employed. A young white man is also courting the same girl. One morning the white man is found shot. Hall is arrested, tried, and convicted of murder and sentenced to life imprisonment. Based on testimony given at the trial, Henry is also arrested, tried, and convicted of statutory rape of the young white woman. Both River boys were held in Clearwater Prison; later Henry was freed when his term was served and Hall, later, was paroled.

The evidence against Hall Rivers was circumstantial—a witness testified that Hall had purchased shotgun shells similar to those which had killed the white man. It also came out at trial that both he and his brother had engaged in consensual sex with the young lady they and the white man were courting.

The identification of Hall, however, was unclear—the witness was not certain whether it was Hall or Henry who purchased the shells. The trial judge, the county attorney, and the lawyers for the defense knew the testimony was shaky, but they conspired to keep that detail from the jury. The young lady also testified to her relations with the two Rivers' boys.

According to the novel, Hugo (“Hook”) Fesenmayer knew of the conspiracy of the judge and the lawyers, but he said nothing. Apparently, it may have been Henry Rivers who killed the white man, not his brother Hall. Presumably, the title of the novel, *And Justice for None*, refers to the author's conclusion that neither brother received justice.

The facts of the case that inspired this historical novel can be found in contemporary local newspapers, including the *Redwood Gazette*, the *Brown County Journal*, and the *Morton Enterprise*.[‡] The trial records of the case are in the Minnesota Historical Society Archives. According to these records, a young Black man, Hall Green, killed a white man, Leslie Joslin, on April 7, 1921, with two shots from a shotgun while Joslin was returning to the place where he stayed. Joslin was shot once in the shoulder and once in the head. He was killed just east of Redwood Falls in Paxton township. Green was arrested, indicted on first degree murder, and tried on April 28, 29, 1921.

Hall Green's father was John Green who was living in LeSeuer. The judge was I. M. Olsen who lived in New Ulm. The prosecutor was Albert Enerson. The defense lawyers, A.C. Dolliff and A.R.A. Lauden, were appointed by the court.

The prosecution brought 28 witnesses and the defense called 6. There is no indication in any of the accounts that there was a miscarriage of justice and the trial, while brief, provided a number of witnesses for both the defense and the prosecution. The judge's instructions to the jury were appropriate; Olsen told the jury that the evidence was circumstantial and the judge carefully defined how they should consider the evidence. The judge said they had three choices—first degree murder, second degree murder, or innocent. The case went to the jury at 4:30 p.m. on the 29th and at 8:50 p.m. the jury returned a verdict of guilty.

On April 30th Green was sentenced. He did not speak for himself (nor did he testify at the trial), except to answer the judge's questions. In response to the judge's pre-sentence questions, he gave his age (26), his birth place (LeSeuer), his education (fourth grade), his occupation (farm worker), his military service (one year service in France during WWI), and his religious affiliation (unchurched). He was sentenced to life imprisonment.

[‡] A one paragraph account also appears in Wayne E. Webb & J. I. Swedberg, *Redwood, The Story of a County* 468 (St. Paul: North Central Publishing Co., 1964).

Shortly after the trial his brother, Henry, was arrested for statutory rape (“carnal knowledge of a female child under the age of consent”) on the basis of testimony given at the trial. On November 4, 1921, he pleaded guilty and was sentenced “until release as provided by law.”

Both men went to Stillwater Prison.

The record doesn’t indicate when Henry completed his sentence, but there is a note that on May 16, 1960 Hall was granted an unconditional release by Governor Orville Freeman. There is no indication that this release was predicated on any new evidence.

That is the historical record that is available to researchers (all the principals in the case are dead and only hearsay evidence and some very incomplete records exist). Unfortunately the court records do not include any transcripts of the witnesses. Contemporary newspaper accounts do not even hint that the trial judge, the prosecutor, and the defense attorneys settled for possibly convicting the wrong man as long as the other brother also went to jail.

But the story is engaging—a Black man kills a white man over a dispute about an underage girl in the 1920s. The marvel could be that the Black man was not lynched. Only a year before the Joslin murder, three Black men, who were mistakenly accused of raping a white girl, were lynched in Duluth. The Morton and Redwood Falls newspapers, however, were quite restrained, calming the citizens and claiming that justice should be allowed to follow its course. ■

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