

Since 1911 . . .

Bills to restore death penalty often short-lived

It had been a high-profile crime from the outset: the double murder of a boy and his mother in 1905. There were inflammatory news accounts of the killings, complete with denunciations of a suspected "unnatural relationship" between the murderer and boy.

In the end, William Williams, the 28-year-old steamfitter convicted of murdering his 16-year-old friend, John Keller, failed to convince the jury that he was insane, and he lost every appeal.

And when he took his final steps to the gallows under the Ramsey County Jail in 1906, no one knew it would be the last time an execution was carried out in Minnesota.

The executioners did not take into account one key factor: the stretch of the hanging rope. After Williams' feet hit the floor, sheriff's deputies scrambled to hoist the rope. The police surgeon counted the minutes on his watch, waiting for the pulse to stop. A small crowd of spectators watched as it took Williams 14 and one-half minutes to die by strangulation.

The miscalculated hanging began a six-year movement to abolish the death penalty in the Minnesota Legislature. Among those leading the movement was a Republican legislator from Gaylord, George MacKenzie. Along with other legislators, Rep. MacKenzie supported bills in 1905 and 1909 without success. On his third attempt in 1911, he implored members on the House floor:

"Mr. Speaker. Six years ago in the first Legislature which convened in this beautiful building, I had the honor of lifting my voice in support of a bill similar to the one now under consideration . . . and as the years have gone by, my earnest conviction that Capital Punishment is wholly wrong has become deepened and settled. . . .

"If punishment is what you want to inflict, would it not be much more of a punishment to incarcerate the criminal within prison walls, where conscience might bring remorse to torture him through the slow lapse of years, cut off from the job and sunshine of freedom, not hearing the songs of the wild birds, sense the breath and perfume of the flowers, where no rustle of the autumn



Rep. George MacKenzie

Photo courtesy-Minnesota Historical Society

leaves could reach him? . . .

"Did Domitian stamp out Christianity by putting to death 40,000 Christians? . . . Did the English retrieve their fallen fortunes in France by burning Joan of Arc or crush Erin's love and hope of liberty by the execution of Robert Emmet? . . .

"Have women ever been unfaithful since Henry VIII made an example of

Legislators applauded MacKenzie and HF2 was approved by an overwhelming 95-19 margin in the House. The Senate soon followed, voting to abolish the death penalty by a 35-19 margin, and then-Gov. Adolph O. Eberhart signed the bill into law.

Since then, few attempts to restore the death penalty have come close to succeeding. Though reintroduced many times, only in 1913 and 1923 has a death penalty bill made it out of committee to either the House or Senate floor for a final vote.

Recent proposals for death penalty measures reflect public outrage at a series of violent murders in the state. Out of two death penalty proposals slated for this session, however, one was rejected Feb. 24 by the Senate Judiciary Committee on a vote of 15-2. The bill, sponsored by Sen. Charles Berg (DFL-Chokio), called for death by lethal injection for certain heinous crimes.

The other proposal, authored by Sen. Patrick D. McGowan (IR-Maple Grove), would have Minnesota voters decide the issue. Sen Allan Spear, chair of the Senate Judiciary Committee, said his committee will not hold hearings on another death

"If punishment is what you want to inflict, would it not be much more of a punishment to incarcerate the criminal within prison walls. . . where no rustle of the autumn leaves could reach him?"

—Rep. George MacKenzie, 1911

Anne Boleyn? Have army spies been unknown since Nathan Hale gave up his life for his country? . . .

"Let us bar this thing of Vengeance and the Furies from the confines of our great State; Let not this harlot of judicial murder smear the pages of our history with her bloody fingers, or trail her crimson robes through our Halls of Justice, and let never again the Great Seal of the Great State of Minnesota be affixed upon a warrant to take a human life. . . ."

Newspaper accounts called it one of the most eloquent anti-death penalty speeches ever given in the House chamber. *

penalty measure this session.

Rep. Kathleen Vellenga (DFL-St. Paul), chair of the House Judiciary Committee, said her committee would not hear any death penalty bills this session unless they are first approved by the Senate Judiciary Committee.

Vellenga's committee last considered the death penalty issue in 1989, when House members voted 21-2 against it.

A committee vote this session, she said, would not be significantly different since 16 of the 21 members opposing the bill remain on the committee.

—Joyce Peterson

Death penalty legislation in Minnesota since 1911

1911 — The death penalty (HF2) is abolished on a 95-19 vote in the House, and a 35-19 vote in the Senate.

1913 — A House bill (HF416) to revive the death penalty comes to a vote on the House floor twice. The votes are close — 56-51 and 49-51 — but the bill fails to get the required one-half of all members of the House. Twenty-seven members didn't vote the first time, and 34 didn't vote the second time. A Senate bill (SF336) fails to get committee approval.

1915 — Bills (HF100 and HF102) calling for the death penalty are referred to Crimes and Punishment Committee in the House, but fail to receive committee approval.

1919 — A death penalty bill (HF1013) is referred to Judiciary Committee in the House, but is "indefinitely postponed" upon committee's request.

1921 — Death penalty bill (HF743) is recommended to pass by General Legislation Committee. Committee report adopted on the House floor, but a later motion to return the bill to its author is approved. SF340 and SF370 are "indefinitely postponed."

1923 — A flurry of death penalty bills are proposed, but the four House bills (HF47, HF48, HF113, HF114) fail to receive committee approval, and are returned to their authors. A Senate bill (SF20) makes it to the Senate floor, but is defeated on a 26-41 vote.

1927 — A Senate bill (SF858) is reported back from Crime and Crime Prevention Committee, and at its recommendation, is "indefinitely postponed."

1931 — A House bill (HF240) is reported back from Crime and Crime Prevention Committee that it be "indefinitely postponed."

1933 — A Senate bill (SF204) is referred to Crime and Crime Prevention Committee, but no vote is taken.

1937 — A House bill (HF250) is returned to its author by the Crime and Crime Prevention Committee. Two bills in the Senate (SF157, SF1159) also fail to get committee approval.

1974 — A Senate bill (SF3010) doesn't make it out of the Health, Welfare and Corrections Committee.

1975 — A Senate bill (SF518) doesn't make it out of Judiciary Committee.

1986 — Two bills (HF2215, SF2095) fail to receive committee approval.

1989 — A House bill (HF998) is referred to the Judiciary Committee, but following a hearing is defeated in committee on a 2-21 vote. A bill in the Senate (SF768) was referred to the Judiciary Committee but did not receive a hearing.

It's a fact!

Sen. Harry Cannon of St. Paul probably would have done well as a 16th century Briton.

"The first thing we do, let's kill all the lawyers," Shakespeare wrote in 1591.

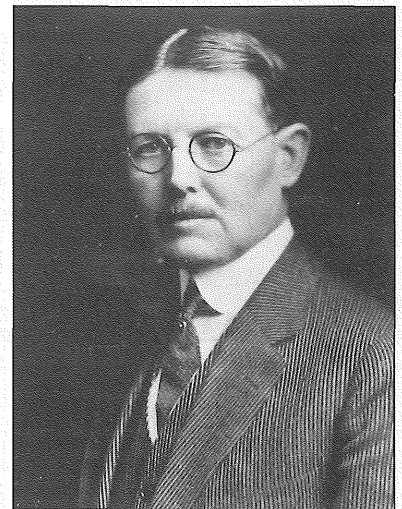
It was Cannon who, on Valentine's Day in 1929, made a resolution to drive the legal profession from the Legislature.

Born in Wisconsin, Cannon dabbled in many fields of study — including law — before becoming a surgeon in 1905.

Upset with the increasing number of lawyers in the Legislature, Cannon took his case to the Senate floor, where 29 of its members were lawyers.

He proposed that a committee of five be selected from "among the clergyman, physicians, newspapermen, farmers, and other honest working men of this body, whose duty it shall be to devise some plan to reduce the sum total of the legal profession herein and restore as it were the balance that should prevail in membership with regard to the different crafts, occupations and so forth."

The measure never did receive a vote, but time has partially corrected the imbalance that Sen. Cannon perceived. Today, there are only 11 lawyers in the Senate.



Sen. Harry Cannon

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