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Injustice Casts Shadow on History of State Executions

by John Bessler

Star Tribune (Minneapolis, MN), December 7, 2003

In the wake of any terrible crime -- a school shooting, a kidnapping, a rape or a murder - the initial shock and disbelief soon give way to anger. We want justice. We want the violent offender to be captured and swiftly punished. And rightfully so, for when any crime of violence occurs, any just system of laws demands that the perpetrator be apprehended and held accountable.

Minnesota's history of lynchings and executions, however, reminds us of what can happen when we let our raw anger run amok. Our judgment can be clouded or blinded; mistakes can be made; and we can allow ourselves to do things we would never otherwise imagine doing.

In 1920 in Duluth, a mob of 5,000 people lynched Isaac McGhie, Elmer Jackson and Elias Clayton after a traveling circus came to town by train. A young white teenager and her boyfriend, who had attended the circus, falsely claimed that the girl had been gang-raped by a group of black circus workers. A doctor who examined the girl found no physical evidence that any rape had occurred, but the mob hanged the men from a lamppost anyway.

Miscarriages of justice occur at state-sponsored executions, too. At the largest mass hanging in U.S. history, of 38 Dakota Indians in 1862 in Mankato, a man named Chaska (who saved a woman's life during the Dakota Conflict) was hanged by mistake; he was confused with another man with a similar name. Ann Bilansky -- the only woman ever to be hanged in the state -- was convicted in 1859 of poisoning her husband with arsenic on the shakiest of "scientific" proof and only after being vilified in the press as an adulterer. And William Rose -- convicted of murder but only after 3 separate trials in which conflicting testimony was heard -- went to the gallows in Redwood Falls in 1891 despite widespread concerns that he might be innocent.

The last execution in Minnesota, of William Williams, was itself a botched affair. Williams, a laborer who killed a teenage boy and the boy's mother, was hanged in St. Paul in 1906 at 12:31 a.m. under the auspices of a law requiring nighttime executions. When the trap door was swung open, Williams hit the floor because the executioner had

miscalculated the length of the rope.

Three deputies, standing on the scaffold, had to seize the rope and forcibly pull it up so Williams' feet were lifted off the ground. Williams was held that way for 14 minutes until he died.

Over 80 % of U.S. executions since 1976 have occurred in the South. The problems with the death penalty in places like Texas – the conviction of the innocent, racial discrimination and arbitrariness in its application -- are legion. Since 1973 alone, more than 100 U.S. inmates have been released from death row because of faulty convictions or because DNA or other evidence conclusively established an inmate's innocence. It was just such pervasive problems that led Gov. George Ryan, a Republican, to halt executions in Illinois.

Minnesota has achieved one of the country's lowest homicide rates without resorting to executions for many decades. In fact, death penalty states' murder rates are consistently higher than those of non-death-penalty states. One recent study of FBI data found that, over the last 20 years, death penalty states' homicide rates were, on a per capita basis, 48 percent to 101 % higher than in non-death-penalty states. The homicide rate in Texas is more than double what it is in Minnesota.

What history shows is that the death penalty merely brutalizes our society while failing to make it any safer. In the end, the need for public safety and what should be any government's goal -- a safer, less violent society -- are best reconciled by using life-without-parole sentences for heinous crimes. As the Rev. Martin Luther King Jr. warned: "The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy."

(source: John Bessler, who is an attorney, formerly an adjunct professor at the University of Minnesota Law School and the author of "Legacy of Violence: Lynch Mobs and Executions in Minnesota," recently published by the University of Minnesota Press; Minneapolis Star Tribune)