The Botched Hanging of William Williams: How Too Much Rope and Minnesota’s Newspapers Brought an End to the Death Penalty in Minnesota

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A couple of months after President Theodore Roosevelt had given the inaugural address for his second term of office, an itinerant named William Williams was convicted of first-degree murder. In one of Minnesota's most infamous crimes, Williams had killed a teenage boy, Johnny Keller, and his mother. An English laborer, Williams had worked as a miner and a steamfitter before befriending the teenager two years earlier while they were both hospitalized for diphtheria. Keller had roomed with Williams in different places in St. Paul, and the two had traveled together to Winnipeg in the summer of 1904. Williams and Keller's father quarreled over his relationship with Johnny. The father told Williams that he would rather put his son in a reform school than let the boy fraternize with Williams.

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In a fit of rage, Williams shot Johnny Keller and his mother in April 1905 when the boy refused to go back to Winnipeg with him. Williams had written letters to Keller that had contained professions of love intermixed with threats. These had gone unanswered. “I want you to believe that I love you now as much as I ever did,” read one letter. “It won’t be long before we will be together.” Another read, “Keep your promise to me this time, old boy, as it is your last chance. You understand what I mean, and should have sense enough to keep your promise.” When Williams returned to St. Paul intent on seeing Johnny Keller, the boy's father was away. At the Keller home, Williams shot Johnny at close range while he lay in bed. A bullet pierced the back of Keller's skull, leaving powder marks and singed hair, and another bullet wound was found in the back of the boy's neck. With Keller's death, their turbulent relationship, thought by many to be of a homosexual nature, came to an abrupt end.

The murder trial of William Williams began in May 1905. A police officer testified that Williams appeared at the station on the night of the shooting and said that he had shot someone at No. 1 Reid Court. A doctor also took the stand for the state, testifying that Williams told him he did not know why he shot Johnny Keller, only that he wanted the boy to come with him. Williams himself testified that he had not slept for three nights prior to the shooting, had been drinking that day, and that Mrs. Keller scolded him when he showed up at the Keller residence. After saying she would not let her son go with him, Williams testified, he and the boy had gone to bed until the mother rushed in and seized the boy, screaming that she would not let him go. At that point, Williams said, he lost all consciousness. He claimed that the next thing he knew he was in her room with a revolver in his hands and the room full of smoke. Williams's unsuccessful defense at trial, as articulated by his lawyer, was “emotional insanity.”

Williams's case would put the Ramsey County sheriff, three Twin Cities newspapers, and the state's death penalty law on a collision course. On May 19, 1905, Williams was found guilty of intentionally killing Johnny Keller, whom Williams, in the Minnesota Supreme Court's words, had “a strong and strange attachment to.” “There is no evidence to support this defense of complete lapse of memory and consciousness,” the court would rule later, “except the defendant's improbable testimony to the effect that up to the moment the fatal shots were fired he remembered everything in detail and everything that occurred after they were fired, but has no recollection of firing them.” The deck was stacked against Williams from the start. Williams made incriminating statements prior to trial, his suspected sexual orientation probably aroused bias, and to make matters worse, any potential juror who opposed the death penalty would not be allowed to sit on his jury. During jury selection, Ramsey County Attorney Thomas Kane had successfully excluded otherwise acceptable jurors because of their scruples against the death penalty.

The early twentieth century's judicial system
A typical hanging scene, circa 1900.
the sheriff to designate many people as deputy sheriffs for the sole purpose of permitting them to be present and witness the execution.

Persons permitted by you, except those specifically named in the statute, must not exceed six in number. I trust that the custom that has hitherto obtained will not obtain in this instance.

It is the duty of this office to hold all officers of the law to a strict accountability in the performance of their duties in upholding the majesty of the law and it would become my duty in case this law is violated to take proper action in the premises.

Believing you will do your full duty in this matter and be governed strictly by the letter and spirit of the law, I am, sir, yours with great respect.

Back in 1889, a Republican legislator named John Day Smith had authored a bill that was designed to eliminate the spectacle of public executions. Smith abhorred the death penalty itself, but knew it would be an uphill battle to end it, so he focused his efforts for the time being on making executions as secretive as possible. What became known as the "midnight assassination law," or Smith law, required that executions occur "before the hour of sunrise" and "within the walls of the jail" or "within an enclosure which shall be higher than the gallows." Upon issuance of a warrant of execution, prisoners would be kept in solitary confinement. Only the sheriff and his deputies, the prisoner's attorney, a priest or clergyman, and the prisoner's immediate family members could visit the condemned inmate. The new law also severely restricted attendance at executions themselves. Permitted attendees were restricted to the sheriff and his assistants, a clergyman or priest, a physician, three persons designated by the prisoner, and no more than six other persons designated by the sheriff. The law resembled other state laws that strictly limited public attendance at executions to only six to twelve "reputable" or "respectable citizens." The Smith law also forbade newspaper reporters from attending executions and stipulated that "no account of the details" of an execution, except that "such convict was on the day in question duly executed," could be published in
moved with considerable speed. Right after Williams's verdict was read, the trial judge told him that he would be "hanged by the neck until dead." The appeal process was relatively quick too. On December 8, 1905, the Minnesota Supreme Court affirmed Williams's conviction and death sentence, saying Williams had shot Keller with "premeditated design to effect his death." One justice dissented, however, believing that Williams should get a new trial because of irregularities in the proceedings and skepticism about whether Williams really had committed a premeditated murder. The killing had the earmarks of a crime of passion, but the appeal failed.

Even though he opposed the death penalty, Minnesota Governor John A. Johnson felt compelled to enforce the state's laws. He thus wasted no time in setting Williams's execution date for February 13, 1906. Because Ramsey County Sheriff Anton Miesen had been known to invite large numbers of his friends to be execution spectators, Johnson sent Miesen a sternly worded letter accompanying Williams's death warrant. The letter reminded Sheriff Miesen to "observe" that a state law enacted in 1889 "is very specific as to who may witness executions of this state." His letter then commanded Miesen, in no uncertain terms, to rigorously adhere to the provisions of that law:

In view of violations of this law in the past I deem it necessary to charge you with a strict observance of the law. It has been customary in some cases for

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Sheriff Miesen pledged to follow the provisions of the Smith law, and his actions, at least initially, appeared aimed at making good on that promise. When he was asked for execution-day invitations, Miesen told people that he did not make the law, and that his duty was to strictly enforce it. When one invitation seeker was shown the statute, the response was angry: "To hell with the law, I want to see the execution." Miesen did not like refusing such requests, but he was under intense political pressure, and knew that his career was on the line.

On February 13, 1906, Sheriff Miesen hanged Williams on schedule in the basement of the Ramsey County Jail. But the much publicized execution did not go as planned. For one thing, Williams did not act penitent on the gallows. Instead, he was defiant till the end. "Gentlemen, you are witnessing an illegal
"hanging," he said. "This is a legal murder," he protested. Williams’s last words were these: "I am accused of killing Johnny Keller. He was the best friend I ever had, and I hope I meet him in the other world. I never had improper relations with him. I am resigned to my fate. Goodbye." Worse yet, when the trap door was swung open at 12:31 a.m., Williams fell all the way to the floor. "He's on the floor!" shouted the spectators. Miesen, who had attended a dinner party earlier that evening, had miscalculated the length of the rope. Three deputies, standing on the scaffold, instantly seized the rope and forcibly pulled it up. They held Williams aloft for fourteen and a half minutes until the coroner pronounced him dead from strangulation. Williams’s attorney, James Cormican, called the execution "a disgrace to civilization" as his client, dangling at the end of the rope, died.

And it turned out that at least one reporter was present at the execution. After the hanging, several newspapers printed detailed accounts of it in blatant violation of the Smith law's gag provision. The St. Paul Pioneer Press reported that "the death trap was swung in the basement of the county jail, and fourteen and a half minutes later William Williams was pronounced dead." Some execution details were described, but remarkably, the paper did not report that the hanging was botched. The paper blandly reported that "the trap was dropped, and with a snap the body hung suspended." Other newspaper stories were more graphic. The St. Paul Daily News reported that Williams’s "feet touched the ground by reason of the fact that his neck stretched four and one-half inches and the rope nearly eight inches." It identified the three sheriff's deputies who had taken turns holding up the body by pulling on the rope in order to strangle Williams to death.

Likewise, the St. Paul Dispatch described in great detail the nearly fifteen minutes that the spectators were forced to endure. The paper reported:

> Slowly the minutes dragged.
> The surgeon, watch in hand, held his fingers on Williams' pulse as he scanned the dial of his watch.
> Five minutes passed.
> There was a slight rustle, low murmurs among the spectators and then silence.
> Another five minutes dragged by.
> Would this man never die?
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Fainter and fainter grew the pulsations of the doomed heart as it labored to maintain its function. The dead man’s suspended body moved with a gentle swaying. The deputies wiped their perspiring brows with their handkerchiefs.

Members of the crowd shifted from one foot to another. There were few murmurings, which died at once.

Eleven, twelve, thirteen minutes. The heart was beating now with spasmodic movement, fainter and fainter.

Fourteen minutes—only a surgeon’s fingers could detect the flow of blood now.

Fourteen and a half minutes. ‘He is dead,’ said Surgeon Moore. The end has come.

In the aftermath of the hanging, the St. Paul Dispatch seemed to be playing both sides of the Smith law. It reported that Sheriff Miesen, despite his pledges, had violated the Smith law by inviting more persons than allowed by statute. That newspaper also reported that Governor Johnson’s office was “going to probe the sheriff’s office” but expressed the view—perhaps in light of the paper’s own violation of the law—that Miesen had not committed “any offense that calls for gubernatorial review.” The Minneapolis Journal, by contrast, wanted Governor Johnson to punish anyone who flagrantly violated the Smith law. “Perhaps the deposition of one sheriff would do as much to enlarge respect for the Smith law as anything that could be done,” the newspaper editorialized, saying that politicians “like to oblige their friends” but not “at the risk of losing their jobs.” The newspaper praised Smith’s creation as “a good law,” blaming lax enforcement on “political sheriffs” and recalling another recent hanging where “upward of a hundred persons” were present. “There is no sense nor civilization in making the execution of a criminal a public spectacle.”

The end has come.

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Fire on the Mic!

Friday, March 6, 8 PM

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After Williams’s execution, many of the state’s newspapers urged that executions be conducted at Stillwater’s state penitentiary rather than in local jails. The St. Paul Dispatch wrote that county-controlled executions perpetuated a “local morbid element that exists in human nature.” “Just as long as a hanging is made in a local jail,” the paper opined, “will newspapers that give all the news feel it necessary to give ‘the bare details’ of the affair.” Only if convicts were executed at the remote Stillwater penitentiary would the newspapers that give all the news feel it necessary to give “the bare details” of the affair. Only if that is done will newspapers that give all the news feel it necessary to give “the bare details” of the affair. Only if the news feel it necessary to give “the bare details” of the affair. Only if convictions are made in a local jail, the paper argued, “and the world has come a great ways since condemned men were hanged in the public square for the edification of men and women and children.”

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March 2004 the Rake 31
Williams walked gamely cell to scaffold in the base-
ment of the Ramsey county jail. Williams walked gamely to his death, chatting pleasantly with his guards.

Sketch showing route taken by murderer from his cell to scaffold in the base-

exactly what I said," Johnson remarked, "when I sent the letter cautioning Miesen and if he has violated the law I shall go after him." Johnson understood from "official circles" that only ten persons attended the hanging, but a St. Paul newspaper article titled "The Only Newspaper Man Who Witnessed the Hanging" freely said that thirty-two people watched it. "I have laid aside all the accounts in the newspapers and shall examine them carefully tomorrow," Johnson concluded, warning that the sheriff's office would be held accountable if it could be proved that reporters were present with the cognizance of the sheriff or his deputies.

The next day, Governor Johnson questioned Sheriff Miesen in his private office. Official reports said the governor went after the sheriff "real fierce," but every explanation Miesen offered, however lame, was accepted. Johnson credited Miesen's feeble explanations that a newspaper reporter slipped in through an oversight when a door was left unlocked, and that twenty of the people who watched the hanging were deputies. While Johnson found Miesen obeyed the letter of the law, the details of Williams's death nonetheless grated on the governor's nerves. The death penalty is a "survival of the relic of the past," Johnson said, saying he would seek the death penalty's abolition and that "the sooner it is done away with the better." If I as governor personally had to aid in the execution of a condemned man," he told a friend, "I would resign my office in preference to carrying out such a duty." Johnson's exoneration of Miesen quickly led to a charge of political favoritism. In an article titled "Won't Do a Thing to the Sheriff," the St. Paul Pioneer Press wrote that "a search of the political calendar suggests that this is the closed season on Democratic sheriffs." Both Johnson and Miesen were Democrats.

Meanwhile, the newspapers had themselves come under scrutiny. On February 15, representatives of the Law and Order League formally protested the newspaper accounts of Williams's botched hanging. Citizen complaints soon turned into a full-blown crim...
President Abraham Lincoln authorized the execution of 38 Dakota Indians.

It wasn't the end: Two more chiefs were executed at Fort Snelling, November 11, 1865.
voted in favor of the indictments. The “true bills” were drawn up against the newspapers in their corporate capacities and not against the managers, editors, or reporters. A violation of Smith’s law was a misdemeanor, punishable by up to a $100 fine or ninety days imprisonment, but since grand jurors did not want to see any newspapers go to jail, Kane announced that the newspapers, if found guilty, would only be fined. Although Sheriff Miesen was widely believed to have flagrantly violated the law, the grand jury did not indict him.

A rumor developed that the three St. Paul newspapers, wishing to test the constitutionality of the Smith law, actually helped to procure the indictments by bringing evidence before the grand jury. An editorial in the St. Paul Pioneer Press certainly did not dispel these rumors, perhaps even lending credence to them. The newspaper noted that it had “demurred and will carry the case to the supreme court for a ruling on the validity of the law.” Even though “its own ox” had been “gored,” the paper could find no fault with the attempt to enforce the law, saying, “If it is an improper provision either it should be declared so by the courts or it should be repealed by the legislature.” Alluding to the notion that the rule of law must be upheld, editors at the St. Paul Pioneer Press wrote: “The way to secure repeal by court or legislature is to force the issue. So long as it is on the statute books, it, like other laws, should be enforced.”

Although indicted, the St. Paul Pioneer Press sympathized with the “spirit and purposes” of the Smith law. The paper editorialized: “There has been altogether too much sickening pandering to morbid tastes and too much cultivation of those tastes by hyperbolical accounts of the doings of murderers before executions and of the executions themselves.” The paper noted that, in its news coverage, it “tried to treat the Williams hanging as it treats all other news matters.” The paper tried “to give a decent and uncolored story” and “to give essential details, omitting ghastly particulars, without pandering to the demand of the morbid.” In short, it had attempted “to avoid the methods of ‘yellow journalism,’ in which some of the other newspapers delight to revel.” The Pioneer Press argued that, had all stories of hangings been of the type it had published, “there would have been no occasion for the John Day Smith law.”

While the Pioneer Press happily attacked the journalistic integrity of its competitors, that newspaper was indignant about having been indicted under the Smith law for printing news. “We do not believe it is a safe or a proper law, so far as it attempts to regulate newspaper accounts,” the paper wrote. The Pioneer Press pointed out that newspapers themselves had exposed violations of law by reporting about Sheriff Miesen’s mishandling of Williams’s hanging. “Here was a case,” the paper said, “of atrocious bungling in the execution itself and of flat violation of the law and the direct orders of the governor.” Calling the Smith law “palpably unsafe,” the Pioneer Press

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criticized the law’s intended effect. Under the Smith law, it said, “newspapers could make no reference to either the execution or to the presence of witnesses prohibited by the same law or any of the other circumstances which it was of importance that the public should know.” The Pioneer Press feared the worst if newspapers were silenced. “Under the press muzzling provisions of this law,” it said, “the worst orgies could be held and even the cruelest barbarities could be practiced, and those responsible for them would be protected from criticism and exposure.”

The Pioneer Press emphasized that, ironically, it had been the first to draw attention to the lack of enforcement of Smith’s law. In printing a facsimile of one of Sheriff Miesen’s invitations to a previous hanging, it had exposed Miesen’s plan to violate the law. It was this article that had prompted Governor Johnson to pen his letter to the sheriff to remind him of the law. Only after pointing out the law’s lack of enforce-
Governor John A. Johnson warned Ramsey County Sheriff Anton Miesen not to make a sideshow of the Williams execution.

Miesen allowed at least one newspaper reporter into the execution in violation of state law.

St. Paul's newspapers were soon defending their actions in court. On March 3, the three indicted newspapers were formally arraigned and pled not guilty, and later filed demurrers to the indictments on the ground that publishing execution details did not constitute "a public offense." In appearing before Judge Bunn on March 10, all three newspapers alleged that Smith's now infamous law contravened a clause of the state constitution that said "the liberty of the press shall forever remain inviolate and all persons may freely speak, write, and publish their sentiments on all subjects, being responsible for the abuse of such right." The newspapers' lawyers, raising the specter of a parade of horrors, argued that a county sheriff could carry out an execution "in a brutal manner without the public ever knowing anything about it."

The newspapers believed that executions were newsworthy events and that the public had a right to know what was done and said at them. The Smith law, the papers' lawyers contended, should not be allowed to prevent the publication of a condemned convict's dying words or an execution-day admission of guilt. The State of Minnesota's representative, charged with enforcing the state's laws, took a decidedly different view. Ramsey County Attorney Thomas Kane asserted that the Minnesota Legislature possessed the power to enact the Smith law. He said the object of the law was to prevent the publication of execution details that appealed to morbid tastes and lowered public morals. Judge Bunn, at hearing's end, took the matter under advisement.

Just over a month later, on April 16, 1906, Judge Bunn upheld the constitutionality of the "midnight assassination law." His written order stated in plain language that the "object and chief pur-
pose of the act was to avoid general publicity." "It is quite clear that forbidding the publication of the details," Bunn ruled, "tends strongly to accomplish the purpose of the act." Bunn, skeptical of the value of news reportage about executions, wrote, "The purpose of the act is in a large measure defeated if the morbidly curious public, who are forbidden to see the hanging, may satisfy their curiosity by reading the ghastly details in a newspaper, and feasting their eyes on pictures of the scene."

Judge Bunn had no doubt that the Minnesota Legislature had the right to pass the Smith law. But because of the issue's importance, he agreed to refer the question of the statute's constitutionality to the Minnesota Supreme Court. Thus, on May 8, 1906, Bunn formally certified the case for appeal at the request of the Pioneer Press's attorneys, Frederick Ingersoll and Charles Hart. The St. Paul Dispatch and the St. Paul Daily News agreed to be bound by the result of the Pioneer Press's case.

On appeal, the St. Paul Pioneer Press contended that the Smith law went too far. "While conceding that the gruesome details of an execution of a criminal are not necessary subjects of public information," the newspaper's appellate brief argued, "we assert that there are many things surrounding the manner of an execution which the public are entitled to know and upon which the public are entitled to pass criticism." For example, the newspaper asserted that the public should know the condemned man's dying declarations and how the sheriff performs his duties. Arguing that the Smith law was overbroad, the Pioneer Press said, "The statute in question prohibits not only those things that are detrimental to the public, and we concede that ghastly accounts of gruesome details might be harmful in effect, but prohibits every...

On February 21, 1907, the Minnesota Supreme Court upheld the constitutionality of the Smith law, ruling that the "evident purpose of the act was to surround the execution of criminals with as much secrecy as possible, in order to avoid exciting an unwholesome effect on the public mind." To accomplish this objective, the court believed that executions "must take place before dawn, while the masses are at rest, and within an inclosure, so as to debar the morbidly curious." The court specifically upheld the statutory provisions barring newspaper reporters from attending executions and prohibiting the publication of execution details. This was necessary "to give further effect" to the law's "purpose of avoiding publicity." "Publication of the facts in a newspaper would tend to offset all the benefits of secrecy provided for," the court ruled. The court noted that the Pioneer Press article was "moderate" and did not "resort to any unusual language, or exhibit cartoons for the purpose of emphasizing the horrors of executing the death penalty." This fact,
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The State of Minnesota disagreed, arguing in its responsive brief that Smith's law was intended "to make all future executions secret except so far as certain specified witnesses may be present." "The obvious purpose of the act," the state said, "is the suppression of details which are nauseating and horri-

ble and whose dissemination arouses morbidness." Publication of execution details, it contended, "tends only to gratify a debased morbid curiosity or sensationalism which is demoralizing to the public good." The state surmised that the publication of such details might even "tend directly to promote crime, while subserving no useful purpose." It argued that the press was not deprived of its right to print news because the law authorizes the publication of the fact that criminals are executed. Thus, the state argued that the Smith law did not prevent newspapers from editorializing on "the advisability of capital punishment."

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however, did not save the Pioneer Press from running afoul of the Smith law. The court stressed that “if, in the opinion of the Legislature, it is detrimental to public morals to publish anything more than the mere fact that the execution has taken place, then, under the authorities and upon principle, the appellant was not deprived of any constitutional right in being so limited.”

The Pioneer Press denounced the ruling, even though it was “in full sympathy” with any law suppressing “purely unimportant and unwholesome details of an execution.” The hanging of Williams “showed that except for publication in newspapers of something more than a bare mention there was no way in which to inform the public whether a hanging was properly or even legally conducted.” The newspaper emphasized its own role—as part of the Fourth Estate—in serving as a check and balance on governmental abuses of power. The Smith law’s prohibition on reportage of accounts of executions, it claimed, “goes a little too far” because it “throws the door wide open to unmentioned violation of the other clauses of that law.” Under the Smith law, the paper contended, a sheriff, “secure in the knowledge that no newspaper can describe what occurred, can make a hanging a gala occasion.”

As a result of the Minnesota Supreme Court’s ruling, the case against the Pioneer Press was remanded back to the district court to be tried on the merits. After a series of continuances, a twelve-person jury was finally impaneled on March 17, 1908; though the Pioneer Press refused to enter a plea. This forced the court to enter a not guilty plea for it. Justice—at least once it got under way—was swift. The next day, the jury returned a guilty verdict, and after that, it was not long before the legal challenge to the Smith law was at an end. On March 19, the district court imposed a $25 fine against the Pioneer Press, marking the end of the dispute between that paper and the State of Minnesota. The St. Paul Dispatch and the St. Paul Daily News, the two other interested parties, were each fined $25 as well.

These fines and the criminal case against the Pioneer Press and its St. Paul counterparts put Minnesota newspapers on notice that authorities would no longer turn a blind eye to violations of the Smith law. Given the importance of the state’s death penalty debate, some of the state’s newspapers almost certainly entertained thoughts of violating the Smith law again. However, any contemplated acts of civil disobedience by such hard-to-intimidate journalists were never given the chance to come to fruition. No more state-sanctioned executions would occur in Minnesota after Williams’s botched hanging, and the abolition of the state’s death penalty was just over the horizon.

“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.”

—George MacKenzie

In the end, Williams’s horrific death and the successful prosecution of three St. Paul newspapers sparked serious questions by state legislators about the death penalty’s use. While the newspapers lost their freedom-of-the-press court challenge, their blatant violations of the Smith law made Williams the last person to legally hang in the state. Anti-death penalty efforts, led by state lawmaker George MacKenzie, intensified after Williams’s execution, and the Minnesota Legislature ultimately abolished capital punishment in 1911. “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,” MacKenzie told his legislative colleagues in a rousing speech that year, “and let never again the Great Seal of the Great State of Minnesota be affixed upon a warrant to take a human life.”

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