

Hello, and welcome to our Death Penalty Information Center podcast, examining the status of the death penalty in each of the states. In this podcast, we will examine the history of the death penalty in Michigan and some of the circumstances that led to its demise.

In 1837, a seemingly ordinary execution took place in Canada when an accused murderer named Patrick Fitzpatrick was put to death. Fitzpatrick had steadfastly maintained his innocence and he might have been exonerated, but unfortunately, a confession by the real murderer did not occur until shortly after Fitzpatrick's execution. This case had a profound effect on legislators not only in Canada, but also in the nearby territory of Michigan. Only ten years after this fatal mistake, Michigan became the first English speaking jurisdiction, and the first US state, to abolish the death penalty for all crimes other than treason. Michigan's path to abolition paved the way for many other US states and foreign countries to end capital punishment.

Even before Michigan became a state, capital punishment was rarely used. In its history as a territory before statehood, Michigan had only 11 documented executions. Even those few executions had a negative and lasting effect on public opinion. For example, the execution of Stephen Simmons, a white man who killed his wife in a drunken stupor, stirred strong reactions. Although Native Americans had been put to death before him, Simmons was the first white person to be executed. Religious revivalist groups rallied around the case in an attempt to have his sentence changed. Moreover, the prior wrongful execution of Patrick Fitzpatrick had put capital punishment on the defensive. Finally, the majority of Michigan's early population hailed from Puritan backgrounds where capital punishment was condemned.

In 1844, a committee of the Michigan House of Representatives introduced a report seeking the repeal of capital punishment. The reasons cited bear a striking resemblance to prominent arguments against the death penalty today. The committee cited four main objections: it slowed the trial process, opened the possibility of executing the innocent, had no basis in the Bible, and was an irreversible punishment. These objections led to swift action by the legislature, which abolished the death penalty in 1847.

Since then, there have been occasional calls for the reinstatement of the death penalty in Michigan. However, abolition is now deeply engrained in the society, and editorial writers have generally opposed reinstatement efforts. Although at times a majority of Michigan residents has favored reinstatement of the death penalty, that result became much harder to achieve in 1962 when a ban on the death penalty became part of the Michigan Constitution. Reinstating the death penalty would require a constitutional amendment necessitating majority support in a popular vote followed by a two-thirds majority in both houses of the legislature.

As with all states, the federal government can still seek the death penalty in Michigan. This came into the spotlight recently with the case of Marvin Gabrion. In 2002, Gabrion became the first defendant in the US to receive the federal death penalty in a non-death penalty state in the modern era. He was given a federal death sentence because his crime was committed on federal land.

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