

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 Wisconsin.

In 1836, the Wisconsin Territory was organized as European settlers moved into the region. Wisconsin entered into the Union in 1848. Until this point, the rule of law in the region was largely based on the tribal laws of the Algonquian nation. Even under this law, executions were extremely rare.

In the summer of 1851, John McCaffery was convicted and sentenced to death for murdering his wife. There were allegations of ethnic bias against McCaffery, who was Irish. During the weeks leading to the execution, many Wisconsinites expressed their disagreement with the death penalty.

The execution of McCaffery was witnessed by more than 2,000 people. The editor of the Kenosha Telegraph, Latham Sholes, wrote an account of the execution, a botched hanging where the prisoner continued to move and was left suspended for 23 minutes. After the execution, Sholes wrote "We hope this will be the last execution that shall ever disgrace the mercy-expecting citizens of the state of Wisconsin."

In 1852, support for the abolition of the death penalty grew quickly. During this time, a very solid case for murder was brought against a man named William Radcliffe. The evidence all pointed towards him as the perpetrator, however the jury did not convict him of willful murder. Reports of the deliberations indicated the jury was not able to convict Radcliffe because of at least one juror's opposition to the death penalty.

Two other jury trials that year also resulted in failures to convict for willful murder.

In 1853, legislation to abolish the death penalty passed both chambers of the Wisconsin State Legislature and was signed into law by Governor Leonard Farwell. This officially made Wisconsin the first state to abolish the death penalty for all crimes, including treason.

Discussions of reinstatement came up many years later due to some high-profile murders, as well as several lynchings occurring in the state. However all efforts to reinstate fell short in spite of these incidents. The discussion largely remained under the radar until 1991.

In July of 1991, a man by the name of Jeffrey Dahmer was booked by Milwaukee Police on suspicion of murder. Dahmer would soon confess to 17 murders. As more details emerged about the murders and what Dahmer had done with the victims, pressure to reinstate the death penalty in Wisconsin began to increase. A state senator reported that on a telephone poll of 6700 Wisconsin residents, 84% were in support of reinstating the death penalty. However, with the 1994 murder of Dahmer himself while he was in prison, in conjunction with a declining murder rate, calls for reinstatement of the death penalty lessened.

In 2006, a non-binding referendum on the death penalty was placed on the state's ballot for the November, 2006 election. Although 56% of the voters approved the death penalty proposal, which required that DNA evidence confirm the conviction, proponents of the referendum said there was no chance of such a law passing in the near future.

In opposing the death penalty, legislators have often cited the failure of the death penalty as a crime deterrent in addition to the high costs associated with trying capital cases. These facts, coupled with the low crime rate of the state have contributed to the low support for reinstating the death penalty in the legislature and the social culture of Wisconsin.

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