

Crusading editor put halt to hanging

By James Meyer

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If tradition means anything, Rep. Richard Matty and his allies in the Wisconsin Legislature are going to face a long struggle in their effort to reinstate capital punishment.

Matty, who has introduced a bill that would give judges the option of imposing death by lethal injection for certain kinds of murder, is fighting a tradition that goes back almost to the beginning of statehood in 1848.

Wisconsin was among the first states to abolish capital punishment, ending the practice by a vote of the Legislature in 1853. Michigan in 1847 and Rhode Island in 1852 were the only states to act before Wisconsin.

To put Wisconsin's pioneering legislation in a broader context, it should be noted that capital punishment was almost universal in the 19th Century. The Netherlands abolished the death penalty in 1870 but it wasn't until the next century, beginning with Norway in 1902, that Western countries began abandoning capital punishment in large numbers.

Perhaps the seminal figure in Wisconsin's campaign to abolish the death penalty was a Kenosha newspaper editor named C. Latham Sholes.

Years later, Sholes was to gain lasting fame as the inventor of the typewriter, but in 1851 his concentration was focused on the execution of John McCaffary.

McCaffary was hanged Aug. 21 for the murder of his wife, Brigit. History does not record who wrote the account of the hanging in the Kenosha Telegraph, but it was probably Sholes.

Whoever it was issued an impassioned plea against capital punishment:

"It is now all over. We hope this will be the last execution that shall ever disgrace the mercy-expecting citizens of the State of Wisconsin...

"The dreadful consummation ought to satisfy the advocates of the death penalty to the full. Let another system of punishment be adopted and other means used to reform

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the criminal, since the taking of the life of the murderer is not sufficient to deter from the crime."

Two years later, in 1853, Sholes was in the Wisconsin Assembly, where he helped draft the bill that outlawed capital punishment.

Sholes was not the only prominent Wisconsinite in what was then known as the anti-gallows movement. Marvin Bovee, a Waukesha County farmer and Democratic legislator, gained national prominence for his efforts to ban capital punishment.

After the anti-death penalty forces secured their hold in Wisconsin, Bovee lectured and lobbied against capital punishment throughout the East and Midwest. In 1870, he wrote a popular book against capital punishment, "Christ and the Gallows; or

Reasons for the Abolition of Capital Punishment."

Before his death in Whitewater in the early 1880s, Bovee's crusade against the death penalty won him alliances with such leading lights of the day as Horace Greeley and William Cullen Bryant.

Even before the arrival of Bovee, Sholes and their allies, Wisconsin was not a place where capital punishment was widely prescribed.

According to an article in the Wisconsin Magazine of History, aside from military cases, there were only four legal hangings from 1836, when Wisconsin became a territory, to 1852. Reflecting the modern argument that capital punishment falls especially hard on the poor and minorities, two of the four to be executed were Indians.