Hello, and welcome to the Death Penalty Information Center series of podcasts examining the status of the death penalty in each of the states. In this podcast, we will briefly discuss the history of the death penalty in North Dakota and some of the circumstances that led to the abolition of the death penalty there.

In 1865, the Dakota territory adopted the penal system of New York state, under which hanging was the punishment for murder. In 1883, life imprisonment became an alternate punishment for murder in the territory. Subsequently, capital punishment was rarely used because it was seen as too troublesome to North Dakota juries. The execution of John Rooney in 1905 was the last of the 8 executions that have been carried out in North Dakota’s history, dating from 1680. In 1915, a citizen’s petition submitted to the legislature reflected the views of many North Dakota residents about the negative aspects of the death penalty. It read: “whereas, the death penalty is barbarous, ineffective in checking crime, contrary to the dictates of humanity, and violates the sacredness of human life we, the undersigned...make this appeal for the abolition of capital punishment.” That year, a bill repealing the death penalty for murder passed both houses of the North Dakota legislature and was signed into law by Governor Louis B. Hanna. The death penalty was maintained for treason and for murder committed by an inmate already serving life for murder. The use of the death penalty was erased entirely in 1973 when overwhelming majorities in both houses passed a new criminal code excluding capital punishment.

Since its repeal, there have been occasional calls for the reinstatement of the death penalty. Because the death penalty was abolished in both North and South Dakota at around the same time and because they were very similar culturally, they
looked to each other on the question of the death penalty. On February 3, 1927 a bill
reinstating the death penalty passed both houses of South Dakota’s legislature. In
response, the Bismarck Tribune in North Dakota published 37 opinion pieces supporting
the death penalty and spurring public opinion for it in the state. In 1927, the North
Dakota Senate considered a bill to reinstate the death penalty for murder. The capital
punishment bill in South Dakota was eventually vetoed by Governor William John
Bulow, and shortly afterward, despite some public and legislative support, the bill to
reestablish the death penalty in North Dakota failed as well.

South Dakota reestablished the death penalty in 1938 after a brutal crime.
However, North Dakota did not follow suit, thus disproving the assumption that the
states would act alike.

In 1976, Wade Zick, a bank manager, and his wife, Ellen, were killed in a bank
robbery by three young adults in Zeeland, North Dakota. This case, involving a very
prominent citizen, combined with the Supreme Court ruling the same year in Gregg v.
Georgia that held capital punishment to be constitutional, led to legislative efforts to
reinstate the death penalty in North Dakota. In 1977 representatives introduced a
resolution calling for a study of the death penalty, but it was defeated on the house floor.
Similar efforts were made in 1979 and 1995, but neither succeeded.

The low homicide rate in North Dakota has helped keep the death penalty out of
the justice system. In addition, the adoption of life without parole as a punishment for
murder in 1995 has made it even less likely that the death penalty will re-emerge.

Thank you for joining us for this edition of the Death Penalty Information Center
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