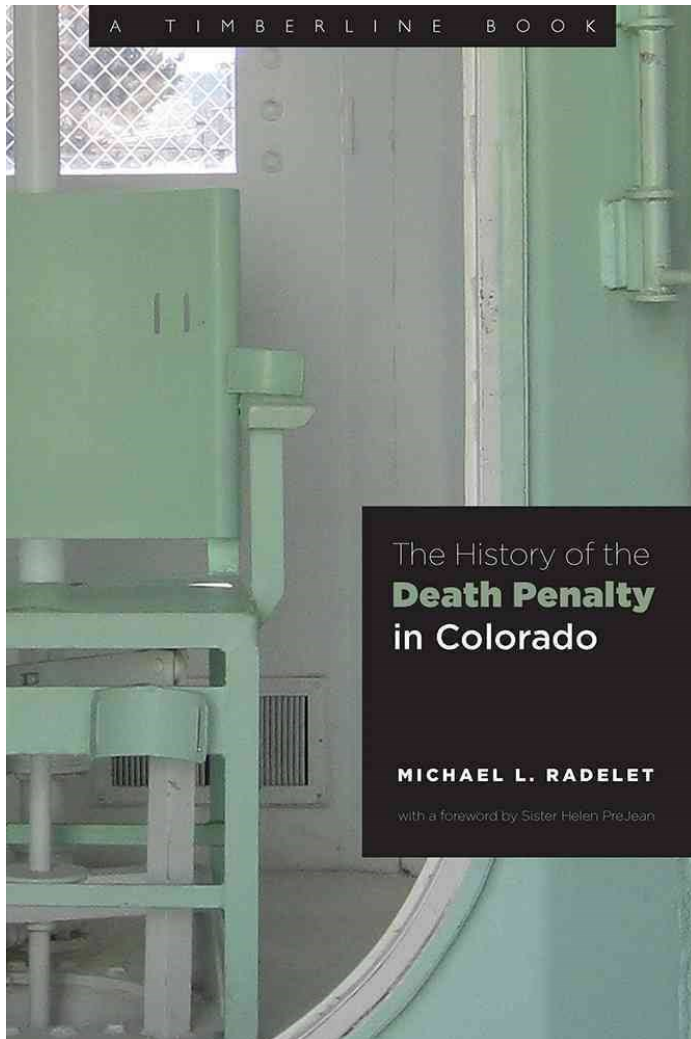


Review of...

The History of the Death Penalty in Colorado / by Michael L. Radelet



Reviewed by:

Jeff Broome

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A study of the history of the death penalty in America is as much an endeavor in ethics and morality, and while that question forever remains in the fore, the object of this book is to cover the evolving moral perspective, illuminated in various legal dealings with this issue, that can be discovered when examining the death penalty in Colorado since its inception as a territory and eventually emergence as a state. It is a daunting task to blend morality with history, yet the author, Michael Radelet, while not a philosopher (he is a sociologist at CU Boulder), does an excellent job of blending philosophical issues within producing the unique history the death penalty has in Colorado. This book is relevant because it

places the whole perspective of this issue, from its beginnings through the most recent debates, that has confronted Colorado lawmakers. Included in this discussion are two especially heinous murders in recent history, the Aurora theater murders of July 20, 2012, and the five murders/robbery of a Denver bar, October 17, 2012. To an engaged citizen confronting the morality of punishment justifying the death penalty, these two cases seem like slam-dunk arguments for death. Yet Colorado jurors refused to impose the death penalty in both cases, leaving Colorado voters and legislatures with a large moral "hangover" regarding the future of the death penalty in Colorado. Radelet sees this as an inevitable swing in the ultimate abandonment of its continuation in Colorado as well as America.

The lens Radelet uses to advance his hypothesis is a simple one, viz., culling the history of the death penalty in Colorado. The result of this study is in direct correlation to a review of the immorality of

the death penalty. And while Radelet acknowledges his lack of training in the philosophical “morality” surrounding the death penalty, he defers this judgment to the career efforts and publications of the moral and legal philosopher Hugo Adam Bedau. In doing so, Radelet is in good philosophical hands under the tutelage of Bedau.

The book is divided into six chapters, as well as an epilogue and three appendices. We learn there that Colorado has legally executed 103 inmates from 1859 until the last one, the execution of Gary Davis in 1997. Probably the most notorious execution was for the mass murders committed by John Gilbert Graham in January 1955, when he loaded his mother’s bags with dynamite onto a United Airlines jet carrying forty-four passengers and crew. All were killed when the plane exploded in the air near Longmont. Remarkable about this case was the distance in time from the crime to execution, a period less than two years (fourteen months). Such an event would be unheard of today, as the James Holmes trial so well demonstrated, and the years of appeals by Nathan Dunlop (infamous Chuck E. Cheese murderer) and subsequent recusal from an execution date issued by Governor John Hickenlooper. An important national statistic in this history is the fact that from 1977 to 2015, while 1,422 persons were executed across America, only one of those criminals was executed in Colorado, illustrating to the reader just how disconnected Colorado is to other states where legal executions still occur.

Chapter Two covers some of the first executions in Colorado, by hanging. It was not until 1889 that executions went from public viewing to inside the walls of the state penitentiary, highlighting one of the moral issues with executions, i.e., whether or not it is morally correct to execute persons in public. Colorado lawmakers saw through that issue early in the state’s history. Roughly one hundred prisoners were sentenced to death in Colorado but never executed. We learn of one —worthy of a book—Dr. Thomas Thatcher Graves, who graduated first in his class at Harvard Medical School—and then was found guilty of killing a wealthy widow he was taking care of, and where he hoped to inherit her wealth.

Chapter Three covers twentieth-century executions and the resulting moral debates the continuation of the death penalty incurs. Legislators in various decades advanced laws both eliminating and reinstituting the death penalty, showing again how the people of Colorado seem to morally flip their views when debating this issue via the legislature. By 1933, Colorado lawmakers changed the method of execution from hanging to asphyxiation—the gas chamber. Thought to be more humane, instead, this method of execution resulted in new moral issues not present in hangings (the one moral issue lingering with hangings are the times when a defendant is decapitated or when the hanging does not result in the severance of the spinal cord, causing instant death, but instead leaves the inmate struggling for several minutes as the guilty party is slowly asphyxiated).

Chapter Four discusses the modern debate Colorado legislators have had with ongoing executions. In 1967, Colorado executed its last prisoner prior to the U.S. Supreme Court tossing out all state statutes for capital punishment as cruel and unusual. Colorado legislators rewrote their statutes to reinstitute the death penalty, but only one more person has so far been executed in Colorado, viz., Gary Lee Davis in 1997. Again, as the author shows, Colorado residents have had a lingering moral hangover when a citizen is actually executed.

Chapter Five continues examining Colorado laws advancing the death penalty, including establishing a three-judge panel to determine if it is justified in a particular case, to putting this responsibility on

jurors, and finally to including both judges (presiding over a trial) and jurors, as is the present law. If one person on the jury holds out, for whatever reason, the judge cannot order an execution. If the jurors agree unanimously on execution, the judge has the final say. Regardless of the tweaking of the laws to appease moral concerns brought forth to the legislature, Radelet shows effectively that what this all really means is that the death penalty is a fading moral argument and soon to be doomed in the national conscience.

Chapter Six is an interesting chapter focusing on how the death penalty has fared under the governorship of John Hickenlooper, thus bringing the reader to the conclusion of this study. It seems Hickenlooper himself somewhat mirrors the average Colorado citizen regarding the death penalty—on the face of it, it seems right, but when looking deeper into the issue, serious moral flaws emerge, including the misrepresentation of black convicts facing the death penalty versus white convicts, poor convicts versus convicts with outstanding defense, etc. The result of all of this: something is amiss with the death penalty in Colorado, and the laws permitting it need to be abolished. That is the template within this study, and it is very hard to argue against it and morally defend the death penalty. The future is soon to be realized, viz., the death penalty will be abolished in Colorado, as well as all other states permitting it.

This book is an excellent study in enhancing the reader's understanding of the death penalty and its moral issues, using Colorado as a test state to show this. Radelet has succeeded well in his endeavor and this book ought to be read by all persons who take the time to consider the morality of the death penalty in America.

About the Reviewer:

James Jefferson ("Jeff") Broome, a fifth-generation Colorado native, is the author of *Dog Soldier Justice: The Ordeal of Susanna Alderdice in the Kansas Indian War* (University of Nebraska Press) and *Custer into the West* (Upton and Sons, Publishers). Broome received his BS degree at Colorado State University–Pueblo, his MA degree at Baylor University, and his PhD at the University of Colorado–Boulder. His graduate degrees are in philosophy. For more than 25 years Broome has been a professor at Arapahoe Community College in Littleton.