

An execution by firing squad in Utah

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Ronnie Lee Gardner was executed just after midnight Friday morning by firing squad at a prison in Draper, Utah. Everything about this state killing—the method employed, the conduct of the authorities, the condemned man’s personal history, and the reaction of the families of the executed and his victims—speaks to the brutality of both capital punishment and the political establishment in the US that promotes it.

Fourteen people, including nine journalists from the local media, witnessed the gruesome event. Gardner, 49, was seated in a straight-backed metal chair, raised up on a platform. According to AP account, his hooded head was “secured by a strap across his forehead. Harness-like straps constrained his chest. His handcuffed arms hung at his sides. A white cloth square affixed to his chest over his heart—maybe 3 inches across—bore a black target.”

A prison official began a countdown from five. At two, five marksmen—police officers who had volunteered for the duty—took aim with Winchester rifles from 25 feet away, firing through a slot in a wall to obscure the gunmen’s identities. Four of the rifles were loaded with a single live bullet. The fifth contained an “ineffective” round, which gives the same recoil as a live bullet, in an effort to conceal who fired the fatal shot.

Reporter Jennifer Dobner provided the following description: “Seconds before the impact of the bullets, Gardner’s left thumb twitched against his forefinger. When his chest was pierced, he clenched his fist. His arm pulled up slowly as if he were lifting something and then released. The motion repeated.”

The white target over Gardner’s heart darkened with blood. A prison medical employee came in two minutes after the shooting and lifted the prisoner’s hood. The *Guardian* reports: “Gardner’s face was revealed, looking ashen, and his head was slumped backwards. He was pronounced dead at 12:17 a.m.” *Newsweek* writes: “Blood pooled around his waist.... Four bullet holes in a wall and a smell of bleach were the only evidence that remained.”

State authorities made the grim announcement of Gardner’s death via Twitter. In a series of tweets leading

up to the state killing, Utah Attorney General Mark Shurtleff, a Republican, wrote, “Barring a stay by Sup. Ct. & with my final nod, Utah will use most extreme power & execute a killer,” and, just moments before the killing, “I just gave the go ahead to the Corrections Director to proceed with Gardner’s execution.”

Outside the prison, members of the executed man’s family held a candlelight vigil, joined by dozens of anti-death penalty protesters. On news of his death from prison authorities, they released multicolored balloons into the night sky.

Since the US Supreme Court reinstated the death penalty in 1977, three people have been executed by firing squad in the US, all of them in Utah. Gary Gilmore, the first person put to death after the reinstitution of capital punishment, was executed in this manner on January 17, 1977. Of the 49 executions carried out in the state over the past 160 years, 40 have been by firing squad.

Utah outlawed firing squad executions in 2004, but because Ronnie Gardner was sentenced before this date, he was given the option of choosing this method, and he faced the barrage of bullets after all of his efforts to avoid execution had been exhausted.

The state Board of Pardons and Parole ruled Monday against commuting Gardner’s sentence to life in prison. On Tuesday, the Utah Supreme Court denied his request for a stay of execution. A federal judge on Tuesday also declined to block the execution, rejecting Gardner’s claims that procedures related to his two-day commutation hearing had violated his civil rights.

The US Supreme Court rejected on Thursday a last-minute request on Gardner’s behalf to stay the execution. Utah Governor Gary Herbert, a Republican, also rejected two appeals by the condemned man’s attorneys to stop it.

Gardner was convicted in the 1985 shooting death of attorney Michael Burdell during a failed escape attempt at a Salt Lake City courthouse. He was appearing for a pre-trial hearing in the murder of Melvyn Otterstrom, who was fatally shot in a Salt Lake City bar in 1984 at age 37.

Commenting on the execution to the *Deseret News*, Melvyn's sister Carolyn Crawford said, "It bothers me it took so long. It needs to be over and done. It just needs to end."

Gardner also wounded bailiff George "Nick" Kirk in the courthouse shooting, who died 11 years later as a result of his injuries, according to his family. VelDean Kirk said her husband's life in the ensuing years was marred by depression and excruciating pain. She had commented on Gardner's impending execution, "It'll be a closure, because for 25 years, it hasn't closed a bit."

Gardner had never denied that he shot the three men. His attorneys, however, argued to the end that the jury that sentenced him to death had not heard mitigating evidence that might have resulted in his life being spared. At his recent parole hearing, Gardner asked that experiences from his childhood be taken into account.

The *Guardian* related some of the details Gardner asked the authorities to consider: "He reminded them that aged two he was found wandering the streets alone, severely malnourished and dressed only in a nappy. At five, he was sexually abused by an older sister and her friend. At six he was sniffing glue. By 10 he was addicted to hard drugs, and by 14 he was being put out to work as a prostitute by a pedophile who was allowed to become his foster parent."

In recent years, Ronnie Gardner had worked with his brother Randy to establish a project for abused children. They bought a plot of land in northern Utah where they planned to operate an organic farm to be used in therapy for troubled children.

Joseph Burdell Jr., father of the attorney Gardner murdered, commented to AP that Gardner's expressed desire to help children provided some evidence that he had changed over his 25 years in prison.

Donna Nu, Michael Burdell's partner, speaking at Gardner's parole hearing, said Michael wouldn't have wanted Gardner to die. "He certainly wouldn't want to be the reason that Ronnie Lee was killed," she said.

As Gardner's execution approached, Donna Taylor, Michael Burdell's niece, and Ashley Gardner, niece of Ronnie Lee Gardner, stood in a parking lot overlooking the Salt Lake City nightscape, having chosen not to join the others outside the prison.

The young women hugged and wept when they received news of Gardner's execution. Ashley told the *Guardian*, "I love him, he was a great guy. I'm hurt because I don't believe murder justifies murder."

Earlier that evening, Donna related that the day he died

her uncle was doing voluntary legal work. She said he had a hatred of violence or killing of any kind. "Mike was totally against the death penalty," she said. "He would not have wanted this; he would have said this doesn't do any good."

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According to the Espy File, a database of executions in the United States and the earlier colonies from 1608 to 2002, an estimated 142 men have been judicially shot in the US and English-speaking predecessor territories since 1608. While reliable figures are not available for the Civil War, there were reportedly several hundred during this period for offenses including killing a superior officer or fellow soldier, or espionage.

Historically, execution by firing squad has been particularly common in wartime, used by the military as punishment for crimes of cowardice, desertion or mutiny. While generally carried out by a squad, a single shot to the head—a coup de grace—has sometimes been utilized if the initial shots fail to kill the targeted person.

Following Utah's prohibition of firing squads for execution in 2003, Idaho enacted a similar ban in 2009. At present, Oklahoma is the only US state where the firing squad is available as an option.

While state killing by firing squad—along with the electric chair—is on the wane, the US political establishment is continually engaged in efforts to define what constitutes a "humane" method of capital punishment. Lethal injection of toxic chemicals is now the preferred method among official circles, despite evidence that this procedure can cause agonizing pain and suffocation.

Politicians of both big business parties and the US Supreme Court debate whether lethal injection constitutes "cruel and unusual punishment," and whether the mentally disabled, juvenile offenders, or other sections of the population should be subject to the death penalty.

All of this is done with the aim of preserving a barbaric practice that has no place in a civilized society, and which has been outlawed by the vast majority of developed nations.



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