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Tennessee's New Abolitionists: The Fight to End
the Death Penalty in the Volunteer State (2010)

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AMY L. SAYWARD and MARGARET VANDIVER (eds.). *Tennessee's New Abolitionists: The Fight to End the Death Penalty in the Volunteer State*. Knoxville: University of Tennessee Press, 2010. 300 pp. \$24.95 (paper).

In 2011, Tennessee Governor Phil Bredesen used his clemency power to commute the death sentence of Edward Harbison to life in prison without the possibility of parole; the previous year Governor Bredesen commuted the death sentence of Gaile Owens. For those studying the death penalty in Tennessee, the important and timely work of editors Amy Sayward and Margaret Vandiver in their ambitious new book, *Tennessee's New Abolitionists: The Fight to End the Death Penalty in the Volunteer State*, gives context to the current use and development of the death penalty in Tennessee, including Governor Bredesen's clemency decisions. This engaging, well-researched, diverse, and comprehensive collection of articles on the death penalty in Tennessee makes an important contribution to the death penalty and abolition literature in general and to Tennessee in particular. Moreover, it will provide a valuable resource of material and information for those individuals engaged in the process of abolishing the death penalty.

Tennessee's New Abolitionists, which is plainly and forthrightly geared towards advocating for the abolition of the death penalty, is divided into three parts. Part I consists of four chapters discussing the history of the death penalty abolition movements in Tennessee from statehood through 2009. These informative chapters unveil early abolitionist efforts in Tennessee including, as Vandiver describes in the first chapter, restrictions on the death penalty for white citizens in the 1800s, a brief abolition of the death penalty in the early 20th century, as well as other unsuccessful repeal efforts through the 1950s. Vandiver attributes the failure of these abolitionist efforts at least in part to the legacy of slavery and racism in Tennessee. In focusing on the abolitionist efforts of Governor Frank Clement during the 1960s, Sekou Franklin explores in chapter 2 how the efforts in Tennessee to move into the era of the "New South" and out of the history of slavery and segregation complemented abolitionist efforts. Although ultimately these abolitionist efforts failed, Franklin provides an interesting assessment of the differences between Tennessee's death penalty experience and the more aggressive use of the death penalty in other states in the Confederacy.

Chapters 3 and 4 focus on more recent abolitionist efforts (both legislative and grassroots). In chapter 3, Amy Seward explores the Supreme Court's 1972 decision that resulted in the abolition of the then-existing death penalty system in the United States, and details

the abolitionist efforts to prevent reestablishment of the death penalty in Tennessee, including the efforts of Governor Roy Blanton to prevent reinstatement. Although these efforts ultimately failed, Seward asserts that the tensions and debates over the reinstatement of the death penalty reflects Tennessee's ambivalence toward the death penalty as illustrated by Tennessee's reluctance to enter into the full furor of the death penalty to the same extent as other states in the South, such as Virginia or Texas. The final chapter in this section, which is authored by Harmon Wray and James Straub, describes abolitionist efforts since the reinstatement of the death penalty in the mid-1970s. Despite overwhelming support for the death penalty, death penalty opponents have continued their efforts at the grassroots level to limit, if not abolish, the death penalty. Wray and Straub provide a useful compilation of the private efforts and organizations working to abolish the death penalty and the shortfalls of their efforts.

In Part II of *Tennessee's New Abolitionists*, the book explores real world problems with the modern-day death penalty and how the politics favoring the death penalty weigh against even reasonable, moderate review of the system. For example, in Chapter 8, Penny White provides an important and compelling account of her ouster from the Tennessee Supreme Court, which stemmed from a decision by the court applying U.S. Supreme Court precedent in a death penalty case. White's account of her experience and her incisive analysis of how and why she was ousted from the court eloquently demonstrate how the use of the death penalty for political gain undermines broader principles of judicial independence.

This section of the book also offers Peter Gathje's well-written discussion of the current philosophical debate regarding the death penalty and abolition in chapter 5. Dixie Gamble in chapter 6 provides thought-provoking commentary on mentally ill capital offenders from a psychological and human rights perspective. In chapter 7, Bill Redick, an accomplished lawyer and death penalty litigator, ably explicates the difficulties of representing a capital offender, the systemic problems of poor quality or problematic legal representation for capital offenders, and the deadly effects of these flaws in the death penalty system. And in chapter 9, Theresa Laurence examines the news coverage of the death penalty in general and the executions of Robert Coe, Sedley Alley, and Philip Workman in

particular. This discussion provides a useful addition to the book, particularly the author's perceptive critiques of the news media's failure to question or examine why of all the condemned prisoners on Tennessee's death row, these three men actually were executed.

Part III provides a provocative and compelling addition to the abolition discussion: the writings of some of those most personally affected by a capital murder, including the victim's family, the prison officials, the religious counselors, and the condemned prisoners. The writings of Hector Black, whose daughter was murdered, as well as the words of the condemned prisoners, provide a moving, human voice to the process of capital cases. Supplementing these stories are the accounts of the clergy who assist the condemned prisoners and the prison officials who must bring about death. This section is more emotional than the earlier sections, but these stories will serve as an important resource for later research in this area.

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