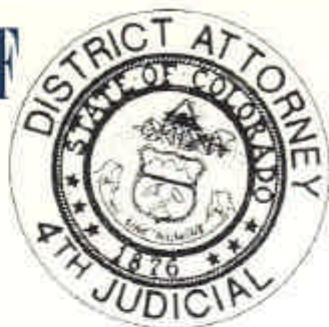


# ON BEHALF OF THE PEOPLE



## ABOUT THE BOOK

This book chronicles the 120-year history of Colorado's Fourth Judicial District Attorney's Office. It is a story about people dedicated to public service and the highest ideals of criminal prosecution. It's a story about a remarkably capable group of lawyers and those who assisted them in prosecuting lawbreakers during a tumultuous period in the history of America and the development of the West.

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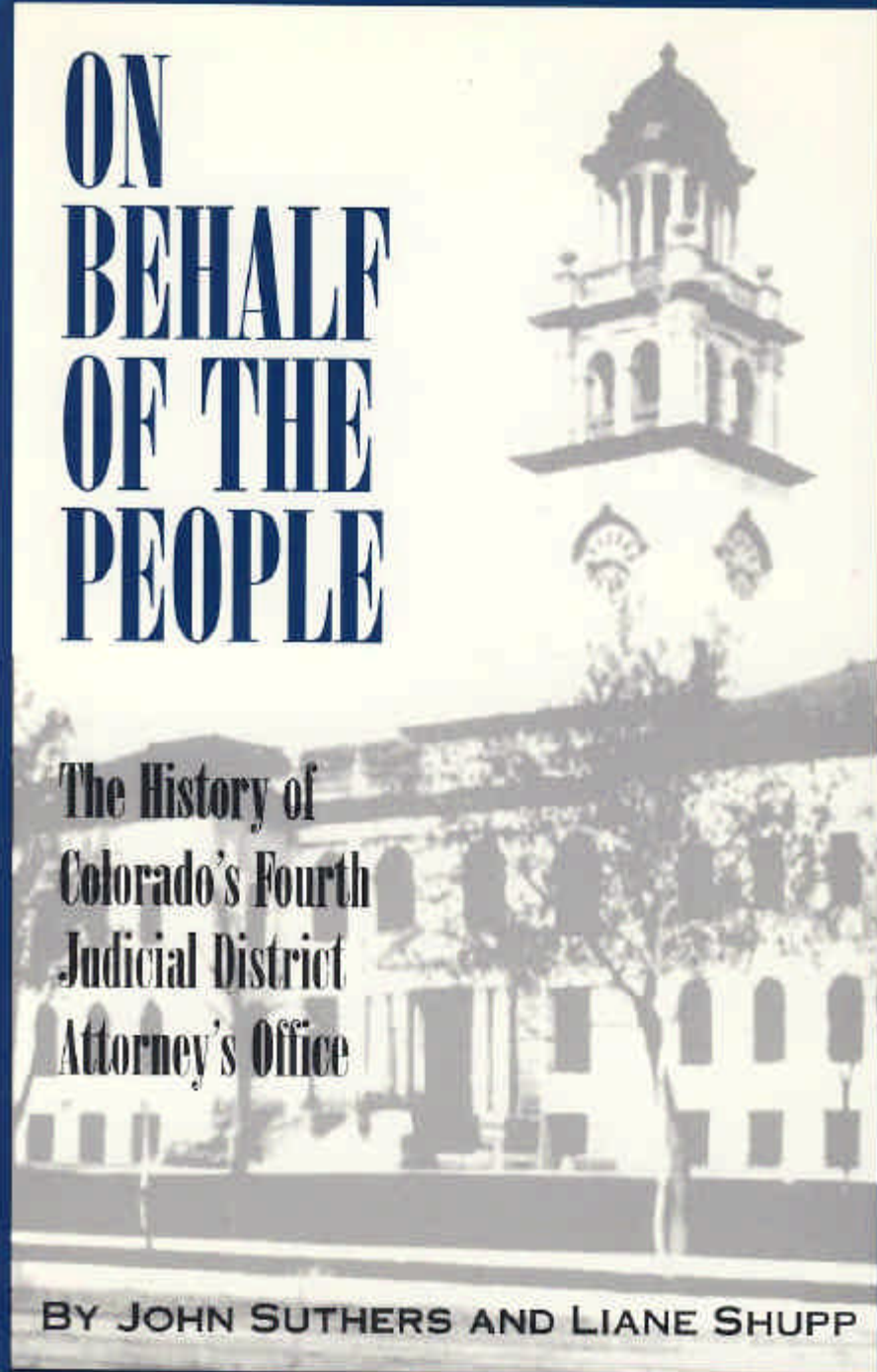
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# ON BEHALF OF THE PEOPLE

The History of  
Colorado's Fourth  
Judicial District  
Attorney's Office

BY JOHN SUTHERS AND LIANE SHUPP



# ON BEHALF OF THE PEOPLE

## THE HISTORY OF COLORADO'S FOURTH JUDICIAL DISTRICT ATTORNEY'S OFFICE

*By*

*John Suthers  
Liane Shupp*

**IPI PRESS**  
1994

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## ACKNOWLEDGEMENT

The following past and present employees of the 4th Judicial District Attorney's Office have financially contributed to the publication of this book. Their support is gratefully acknowledged.

## DEDICATION

*This book is dedicated to all the men and women who have worked in the 4th Judicial District Attorney's Office since its inception in 1876, and who have so diligently and faithfully pursued justice on behalf of the people of the State of Colorado.*

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# INTRODUCTION

"The prosecutor is the representative, not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, the prosecutor is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor -- indeed, he should do so. But while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one." *The United States Supreme Court in Berger v. U.S., 295 U.S. 78 (1935).*

This book chronicles the history of the District Attorney's Office of Colorado's 4th Judicial District from its beginnings in 1876 until 1996, a span of 120 years. It is a story about people dedicated to public service and to the highest ideals of prosecution. It's a story about a remarkably capable group of lawyers and those who assisted them in prosecuting lawbreakers during tumultuous periods in the history of America and the development of the West.

As reflected in the above quote from the United States Supreme Court, the job of the public prosecutor in the American system of government has been, and continues to be, unique. It's a job that both defines and is defined by the social evolution of the country. It's a job that has become considerably complex and seemingly contradictory in its demands. Unlike most public officials, the prosecutor must serve two masters -- society and justice.

Prosecution, a vital component of law enforcement and public safety, is among the most essential of governmental functions. The public prosecutor's legal and ethical mandate to "do justice" is a noble one indeed. The prosecutor's office represents the public in our criminal justice system, and because they serve in a

representative capacity, local prosecutors have traditionally been elected. But while prosecutors are subjected to the vicissitudes of public opinion, their foremost legal and ethical responsibility in a case may require them to largely ignore public sentiment and examine only the applicable law and available evidence in determining what justice requires under the circumstances of that case. It is not unusual, therefore, for the prosecutor to suffer the wrath of public opinion for doing precisely what the law and evidence dictate.

At the same time that the public prosecutor exercises immense discretion in deciding whether to file criminal charges and how to dispose of such charges, the decisions of prosecutors, once made, and their conduct in prosecuting a case, are scrutinized by the courts and the public in a manner that has no parallel among other public officials.

The prosecutorial function is not only an honorable and essential undertaking, it is an exciting one. Difficult decisions that have enormous impact on people's lives are a daily occurrence in a large urban prosecutor's office, some literally of a life and death magnitude. Prosecutors are frontline combatants in the courtroom arena, and they know well the satisfaction that accompanies victory and the disappointment that comes with defeat. On a day to day basis the members of a prosecutor's office are witnesses to intense human drama such as few people in few vocations ever experience. They repeatedly witness the pain and sorrow experienced by the victims of crime, take on the acrimonious task of seeking societal retribution for serious breaches of the social contract, and suffer the unequaled suspense that comes with the rendering of a verdict by a jury of the defendant's peers.

While the public prosecutor's work has always been important, the unraveling of our social institutions and the resulting threat that crime poses to the quality of life has made the prosecution function a matter of utmost public concern. For the foreseeable future, the prosecutor will remain a linchpin in the effort to protect the public from the violence that characterizes our American society.

The 4th Judicial District Attorney's Office was established in 1876, when the first legislature to convene after Colorado statehood carved out a 4th Judicial District from the three that had existed since Colorado became a Territory in 1861. The state constitution that was adopted in March of 1876 called for each judicial district to have an elected District Attorney, a member of the executive branch of state government, who would be the chief law enforcement officer in the district and responsible for prosecuting violations of the criminal laws of the state occurring within that district.

Initially the 4th Judicial District was enormous in geographic scope, encompassing 12 of the state's original 26 counties. The District Attorney, as well as the District Court Judge, were well traveled circuit riders. With the constant growth of the state's population, and the eventual addition of 18 more judicial districts, the 4th District has gradually been pared down to its present geographic dimension, consisting of El Paso and Teller counties. Yet the estimated 430,000 current population of the 4th Judicial District is almost two-and-one-half times greater than that of the entire state in 1876.

In the 120 years since the inception of the 4th Judicial District Attorney's Office, 24 men have served as District Attorney. They are an interesting cast of characters. Many were pioneers, some were fortune seekers and some had very distinguished legal careers. The story begins with an office where the elected District Attorney was the only lawyer, served part time, and had an annual budget of less than \$4,000. It ends with a D.A.'s office of 152 full-time employees, including 43 lawyers, and an annual budget in excess of \$5 million.

In the interim, hundreds of lawyers and thousands of support staff have conducted the business of prosecuting violations of the state's criminal code within the district. The problems faced by the office have changed from labor unrest to street gangs. The capital crimes have changed from cattle rustling to heinous murders. But throughout the 120-year history of the D.A.'s Office, its employees have done a remarkable job.

The 4th Judicial District Attorney's Office has been an outstanding public law office with a consistent record of high quality performance and leadership in law enforcement. It has earned and maintained a reputation as a tough, aggressive prosecutor's office, reflective of the generally conservative bent of its constituents. Throughout the last several decades it has achieved the highest per capita rate of prosecution and conviction in the state. Yet both the office and the court system in which it operates have been free of corruption.

While the work of the D.A.'s Office has been demanding and exciting, it is the people who have passed through the office in the last 120 years that have made it a dynamic place. It's a place where many of the finest trial lawyers in the Pikes Peak region have learned, developed and honed their skills. Some subsequently served as trial court and appellate judges, one as a Justice of the Colorado Supreme Court. It's also a place that has produced some of Colorado's most outstanding political and civic leaders.

Perhaps the most intriguing way to chronicle the history of a prosecutor's office would be to detail all the interesting cases the office has handled. But a quick review of historical sources indicates that would be a nearly impossible task. The 4th Judicial District Attorney's Office has handled literally thousands of fascinating cases that could spellbind most readers. Even limiting the task to those cases receiving the greatest public notoriety would leave a volume of unworkable dimension. So this history will focus primarily on the people that worked in the District Attorney's Office, often with references to important cases which exhibit the tenor of the times, and to those important events and circumstances which shaped the direction of the office during a particular period.

Unfortunately, many of the people who have worked in the D.A.'s Office and contributed greatly to its outstanding performance throughout the years will not be referenced in this book, simply because of space constraints, lack of historical documentation and fading memories. Yet they are all deserving of high praise. That's why this book is dedicated to all the men and women who have worked in Colorado's 4th Judicial District Attorney's Office during the past 120 years, and who have performed the important work of the office so capably.

## Chapter 1

# 1859-1876: LAW AND ORDER COMES TO THE WILD WEST

There wasn't a judge or a court within hundreds of miles when large numbers of prospectors first began to arrive at the foot of Pikes Peak in the Gold Rush of 1859. At the time, the area was in the westernmost section of the Kansas Territory, known as Arapahoe County. Within a short time, the Kansas Territorial Legislature divided Arapahoe County into four new counties, thereby creating El Paso County out of the area surrounding Pikes Peak. The name El Paso, meaning "the pass" in Spanish, was chosen because the area included the Ute Indian trail from the eastern plains up to South Park.

A small town known as Colorado City began to appear along the banks of Fountain Creek, and with civilization came the inevitable demand for law and order, for "the settling of disputes is the primordial internal function which a political system must perform." <sup>1</sup> Because there was no established judicial system, the settlers creatively improvised a means of dispute resolution by forming "People's Courts." By all accounts such courts were remarkably effective. Certain trusted citizens were chosen by their peers to act as fact finders. In matters of a criminal nature, another citizen was chosen as prosecutor to collect evidence and articulate the accusations against the alleged wrongdoer. In civil matters, each party argued their own cause.

Among the first such People's Courts within the Pikes Peak region was the El Paso Claim Club. The club established an office of District Recorder to track land claims in the area.

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<sup>1</sup> Frederick, Carl, *Man and His Government*, McGraw-Hill, 1963, page 423.

In the newly established mining districts, the first informal courts were called "Miners' Courts." Some were fairly elaborate, consisting of a President, a Probate Judge, a constable, a surveyor, a recorder, and a treasurer, each elected at a general meeting of all the male residents of the mining district. It was the only government that existed.

Because the People's Courts and Miners' Courts were both quite democratic, and the only protection against anarchy and chaos, they appear to have enjoyed considerable credibility among the settlers and they could be highly efficient. In his 1889 volume, "The History of Colorado," Frank Hall explained how justice was meted out by such courts:

"Up among the hills, they were not wedded to the political intrigues carried on in Denver, and had no sympathy with any of the movements instituted for state or territorial centralization, because the necessity was less urgent.

"If one of their people killed another in a fair stand-up fight, they simply took the victor to the nearest saloon and lionized him by filling him with villainous whiskey.

"If a thief broke into a cabin or a tent and stole anything of value, they hung him, or soundly thrashed and banished him from the district. If a man murdered another in cold blood, they called a meeting, gave him a fair trial, and when convicted he quickly joined the silent majority at the end of a rope . . .

"The People's Courts worked with promptness and dispatch. Litigants and defendants had little cause to complain about the law's delays." <sup>2</sup>

Because there was no formal courthouse where trials could be held, the People's Court typically convened on a street corner or in a saloon with litigants and jurors sitting on barstools or woodpiles. In one documented case, a desperado named Dodge sat through his entire robbery trial with a loaded six-shooter on his lap, confident

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<sup>2</sup> Hall, Frank. *History of Colorado*, 1889, page 220.

that no juror mindful of the possible consequence would find him guilty. In that particular case he was right.<sup>3</sup>

The swiftness with which justice was meted out by a People's Court is exemplified by a trial held in Colorado City in September of 1860. The trial was held on a Sunday morning outside the local general store following the alleged theft of two ponies by the suspect the day before. The defendant was found guilty by the jury after a trial lasting less than an hour; and a Sunday morning church service conducted by an Episcopal minister, Reverend Howbert, was interrupted so the congregation could participate in the vote as to whether or not to hang the culprit. Those in favor of hanging him were instructed to go to the south side of what is now Colorado Avenue. Those opposed were instructed to remain on the north side of the street. Only Reverend Howbert and one other person remained on the north side. The majority having spoken, those members of the congregation who so voted assisted in promptly performing the deed by hanging the culprit from a Cottonwood tree at 31st Street and Colorado Avenue. After the brief interruption, the minister gave his sermon.<sup>4</sup> Some who later reported the incident insisted that the reverend preached about the quality of mercy.

A constitutional convention was held in Denver in 1859 to debate the pros and cons of territorial status versus statehood. The issue was submitted to the male residents of the area who cast 2,007 votes for territorial status and 1,649 votes for statehood. The Territory of Jefferson was then created without the sanction of the U.S. Congress, but absent taxing authority it quickly failed. Congress was unwilling to act because Southerners were convinced any new territory would probably favor the North. That situation was changed when Lincoln was elected in November of 1860 and the secession of Southern states followed. The remaining states in the Union were more than willing to add new territories.

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<sup>3</sup> McClure & Wright, *History of the Colorado Mounted Rangers*, 1982, page 11.

<sup>4</sup> Schweda, James T., *The History of the El Paso County Sheriff's Department*, 1977.

On February 28, 1861 the U.S. Congress established the Territory of Colorado. The name Colorado, meaning "ruddy colored," was chosen over Jefferson because several Congressmen believed George Washington should be the only President to have a territory or state named after him. The first Territorial Legislature met in the fall of 1861 and divided the Territory into 17 counties. Colorado City was designated the county seat for the newly configured El Paso County surrounding Pikes Peak. The entire Colorado Territory consisted of approximately 35,000 people, and a small fraction of them lived in the Pikes Peak region.

The 1860 census indicated that more than two-thirds of the residents of the new territory were miners. Only ten indicated they were teachers and only eleven said they were clergymen. Eighty nine residents of the new territory called themselves lawyers.

The Territorial Legislature also divided the Colorado Territory into three judicial districts and provided for a Territorial Supreme Court with three Justices, each assigned to one of the judicial districts. Between the infrequent sessions of the Supreme Court, the Justices presided over sessions of the trial court held in each county of their districts. The legislature also passed a statute mandating that all territorial courts apply the "common law of England" as the governing law of the territory. But the early opinions of the Territorial Supreme Court indicate the mandate was largely ignored because the English common law was frequently incompatible with the frontier sense of justice.

President Abraham Lincoln appointed Newton Pettis of Pennsylvania as the first Justice of the 3rd or Southern District of the Colorado Territory, which included El Paso County. Justice Pettis was evidently not impressed with his Presidential appointment. He paid only one visit to the area and then returned to Pennsylvania without ever holding court. Justice Allan Bradford was appointed to take his place.<sup>5</sup> The prosecuting attorneys for

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<sup>5</sup> Calvert & Campbell., *Law in Action: An Introduction To the Courts of El Paso County*, 1972, page 5.

the Territorial judicial districts were also appointed beginning in 1861.

The geographic dimensions of the 3rd Judicial District of the Colorado Territory were enormous. The court alternatively sat in Colorado Springs, Walsenburg, Canon City, Trinidad, Pueblo, Las Animas, Conejos and San Luis de Culebra in the San Luis Valley. The judge, the prosecutor and the court reporter -- and frequently the constable and his prisoners -- traveled long and difficult miles from county to county.

The first Sheriff of El Paso County, Rankin Scott Kelly, was appointed by the first Territorial Governor, William Gilpin, in 1861. With the appointment of law enforcement officers and the establishment of a formal court system, law and order had officially come to the Pikes Peak region. Kelly captured a Denver bank robber soon after his appointment and collected a \$12,000 reward in the process. He also shot it out with, and apprehended, the notorious Hank May gang of horse thieves who roamed the entire Pikes Peak region.

As soon as El Paso County's first three Commissioners were appointed by the Territorial Governor, they set up an election to choose the officers necessary to conduct county government. Rollin Marrow became the county's first Probate Judge on January 8, 1862. Seymour Wagoner was elected and sworn in as County Attorney, which included responsibility for local prosecution of ordinance violators. Oliver Cotton was elected Justice of the Peace to resolve disputes of the most minor nature.

Trial dockets found in the Colorado State Archives show that most of the focus of the Territorial Courts during the 1860s was on land and water claims. The most common criminal cases involved livestock theft and assaultive behavior, often precipitated by an overindulgence of alcohol. In one El Paso County case docketed in November of 1866, the *People of the Territory of Colorado v. William Henry Jackson*, the soon-to-be prominent frontier photographer was charged with assaulting a young woman friend. He wound up being fined \$25 and being assessed \$25 in court costs.

The dockets of the Justice of the Peace Courts indicate that they attempted to resolve the very mundane disputes of the early settlers, including unpaid rent and stable fees. In fact, the nature of the disputes

appearing on the docket are not much different than modern day Small Claims courts.

From 1861 to 1873 the county seat of El Paso County remained in Colorado City. At first the courts convened in virtually any location deemed suitable. But over the next dozen years three different sites in Colorado City were used as a part-time courthouse. It wasn't until 1873 that a small permanent courthouse was built in what was later to become Bancroft Park. But it was only used approximately four times before the citizens of the county voted to accept an offer of land from the Colorado Springs Company and moved the county seat to Colorado Springs in September of 1873. The movement of county records apparently was commenced 20 minutes after the votes were counted.

A site at the northwest corner of Cascade and Vermijo was selected for a new county courthouse, but the need for a jail was deemed more urgent and it was built there instead. A temporary courthouse was eventually constructed on the southwest corner of Nevada and Kiowa. This temporary structure served the community for 25 years until an elaborate county courthouse was completed in 1903.<sup>6</sup>

In 1869 a Civil War cavalry hero and railroad pioneer, General William Jackson Palmer, got his first glimpse of the Pikes Peak region and the Garden of the Gods. The Philadelphian's first impression was a turning point in the development of the area. By 1871 he had solidified his plan to build a resort community a la Newport, Rhode Island or Saratoga, New York. The Fountain Colony resort would become Colorado Springs, despite the fact that the only mineral springs were at least five miles away in what would later become the town of Manitou Springs.

Over the next five years some of Palmer's Philadelphia acquaintances such as William S. Jackson, Henry McAllister, Sr., William Bell and William Wagner answered his call for assistance and became part of the nucleus that would build the new city.

The records of the El Paso County District Court Clerk show the first recorded jury panel in the county in the early 1870s

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<sup>6</sup> Calvert & Campbell., *Law in Action: An Introduction To the Courts of El Paso County*, 1972, page 7.

consisted of some of the region's most prominent male citizens. The panel included Henry Guire, C. Eubank, Isaac Davis, Henry McAllister, Sr., J.A. Weir, A.J. Templeton, Aaron Mason, J.D. Raymond, Joseph Sharrett, James Costello, R.F. Wertbrec, William B. Young, William Van Endert, Joseph Shidler, William J. Baird, J. Holmes, John Lennox, William Sweetland, O.M. Cotten and Adam Paster.

Templeton was possibly the most influential man in the county. McAllister, as indicated, was one of the city's founders. Eubank and Mason were former Sheriffs. In fact, Mason had been the county's second sheriff until he fell into disfavor with William Palmer for his tolerance of saloons, gambling parlors and bawdy houses. Isaac Davis was the coroner. Young was the county's most prominent banker. Wertbrec was an officer of the Denver & Rio Grande Railroad. Several of the others on the panel were prominent ranchers. But life had its perils even for citizens of prominence. William Van Endert was killed in a gun duel in the mid-1870s.<sup>7</sup>

Colorado Springs was formally incorporated in September of 1872. S.C. Foote was appointed as the first Town Constable. Thus was born the Colorado Springs Police Department, which would quickly become and remain the largest law enforcement agency in the evolving 4th Judicial District. By 1876 the department would consist of a constable and two officers, and at the turn of the century it would consist of 13 officers.

By the mid-1870s the movement for Colorado statehood had grown to a crescendo, particularly in Denver, and it was only a matter of time until the inevitable occurred. Conditions for statehood became very favorable in 1875 when Republicans in Congress began looking for potential additional electoral votes for the Presidential election of 1876. On July 1, 1876, the voters of the Colorado Territory voted in favor of statehood and a proposed constitution by a margin of 15,443 to 4,062.

## Chapter 2

### 1876-1900: THE EARLIEST DAYS OF THE 4TH JUDICIAL DISTRICT

Colorado was admitted to the Union as its 38th state on August 1, 1876. President Ulysses S. Grant read the proclamation. The fact that it occurred almost exactly 100 years after the signing of the Declaration of Independence would cause Colorado to be nicknamed "the Centennial State."

In the general election of 1876, Colorado cast its three electoral votes for Rutherford B. Hayes. He won the contested election by one electoral vote. The Republican strategy in adding Colorado to the Union had worked.

The first General Assembly, which convened promptly after statehood, structured Colorado's state government along the lines of the previous Territorial government. In fact the last Territorial governor, John L. Routt, became the state's first governor. The General Assembly created 26 counties and expanded the three territorial judicial districts into four, carving the new 4th Judicial District out of what had been the third. The new 4th Judicial District consisted of 12 counties and was initially based in Pueblo, although the primary location was changed to Colorado Springs in 1879. Only about 20% of the state's 194,000 residents lived in the new district. El Paso County consisted of 8,000 people.

Article VI of the Colorado Constitution, approved in 1876, provided that each judicial district in the state was to have an elected District Attorney to represent the various counties within his district, to prosecute all violations of the state's criminal laws,

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<sup>7</sup> *Colorado Springs Gazette*, Nov. 2, 1924.

and to perform such other duties as were required by law. The District Attorney was to be a member of the executive branch of state government. The D.A. must be a lawyer residing within the district and be qualified to practice law. (Later amendments to the Colorado Constitution clarified that any District Attorney, like any District Court Judge, must be licensed to practice law in the state for at least five years before taking office).

The first Colorado General Assembly also enacted statutes dictating how District Attorneys' offices were to be funded. The D.A. in each district was entitled to collect and receive each month from the counties in his district "the reasonable and necessary expenses" of maintaining an office for the transaction of official business.

The expenses were to be borne by each county in the proportion of their population to that of the overall district. Reasonable and necessary expenses would include salaries of "professional assistants, court stenographers and other costs of transacting business."

With minor changes, this same system of funding District Attorney's offices has existed for 120 years in Colorado and has been a consistent headache for the state's prosecutors. Most D.A.s in Colorado must appear before several Boards of County Commissioners to plead for their budget. Because counties in a judicial district often have a different tax base, and consequently a varying ability to contribute their pro rata share to prosecution expenses, political disputes and even protracted litigation have resulted. As the state has grown, the funding problems for prosecutors' offices have been most acute in the rural areas. Other than a statutorily required contribution to the salary of the elected District Attorney, the state's support of District Attorney offices has been limited to an occasional grant.

With a state constitution and a formal court system in place, District Attorneys were appointed in each of Colorado's four judicial districts to serve until the next general election in 1878. The first District Attorney of the 4th Judicial District was 32-year-old Columbus W. Burris of Silverton in San Juan County. Burris was born on September 8, 1846 in Meade County, Kentucky, and made the long journey to Colorado in the true spirit of pioneer life and

Western expansionism. He was literally "a man from the East with a law book in his hand" as lionized in the popular movie "The Man Who Shot Liberty Valance." The Burris family moved from Kentucky to Iowa when he was six years old. After growing up on a farm, he moved to Olathe, Kansas, to study law under the tutelage of his older brother, Colonel John T. Burris. After his admission to the Kansas Bar, Columbus established a law practice in the rough and rowdy frontier town of Abilene. Shortly thereafter he became a county judge.

When the Atchison, Topeka and Santa Fe Railroad expanded the frontier beyond Kansas, Burris once again felt the urge to go West seeking adventure. He arrived in Silverton in May of 1875 at a time when the town's first handful of crude buildings were under construction. During the summer Burris constructed a seven-by-ten-foot cabin for himself of aspen logs covered with dirt. His law practice was similarly unsophisticated.

Columbus Burris was, by all accounts, a popular man, and as one of the few men in the 4th Judicial District trained in the law, he was a logical choice to be appointed the district's first D.A. after statehood. His office was based in Silverton. While his precise salary is unknown, it certainly was not much. In 1879 the Colorado General Assembly appropriated \$45,000 for the salaries of all state office holders including the Governor, the Secretary of State, the Governor's secretary, the Secretary of State's clerk, the Board of Land Commissioners, the Supreme Court, and all four District Court Judges. Judges earned \$4,000 plus travel expenses. The D.A.'s office budget was probably something less than that.

It's certain that both Burris and the District Court Judge, John Wesley Henry, had significant travel expenses. On February 8, 1879 the Colorado General Assembly approved the following trial docket for the year in the 12 counties of the 4th Judicial District: *San Juan*, second Monday in July and fourth Monday in September; *Ouray*, fourth Monday in July; *Hinsdale*, second Monday in August and second Monday in December; *Costilla*, first Monday in June; *La Plata*, first Monday in July; *El Paso*, second Monday in April and third Monday in October; *Gunnison*, fourth Monday in August; *Chaffee*, first Monday in January; *Lake*, first Monday in September, second Monday in January and first Monday in May; *Park*, fourth Monday in April and

first Monday in November; *Saguache*, third Monday in November; and *Rio Grande*, fourth Monday in November.

No travel was scheduled for the court during the heavy snow period between the second week in January and the first week in April since traversing the highest mountain passes in America would have been too dangerous.

In a 1903 eulogy of Judge Henry, Wilbur F. Stone described life on the judicial circuit:

"Over the vast region, larger in extent than most states, the lawyers, with the judge and other officials, witnesses, litigants and Spanish interpreters, and often prisoners for trial, used to travel from court to court in a motley caravan of wagons, ambulances, primitive buggies, horseback and muleback over dusty sagebrush plains and mountain ranges, fording rivers in heat, snow, wind and dust, camping out at night . . . fishing for trout in mountain streams, occasionally shooting an antelope, cooking their own 'grub,' smoking their pipes around the campfire, swapping stories, singing songs . . . holding court within crude adobe walls with dirt floors . . . and having more fun, legal and illegal, than the bench and bar have ever seen."

While the circuit riders had a growing criminal caseload, most of their time was still spent on the critical work of adjudicating land or mining claims and water rights. Some residents of Colorado today still claim these original mining and water rights with their property.

Columbus Burris did a good enough job as the first appointed District Attorney to merit election by his constituents in the general election of 1878. He ran on the Republican ticket. For the next 12 decades he would be followed by an almost equal number of Republicans and Democrats, although Republicans would dominate the office after 1940.

At what point Columbus Burris got married is not certain, but newspaper accounts indicate he was widowed in July of 1878 and his young wife was eulogized by his fellow bar members.

In 1881 the Colorado General Assembly created an additional three judicial districts and San Juan County became part of the new 7th Judicial District. Upon his required resignation as 4th Judicial District Attorney, Columbus Burris was immediately appointed the District Judge for the new 7th District.

It appears from records of the El Paso County Commissioners that a man named William Ballinger was appointed to fill out the term of Columbus Burris as 4th Judicial District Attorney. Nothing else is known about Ballinger.

In the general election of 1882, Republican candidate Charles A. Wilkin faced Democrat Lee Ramsey of Elbert County. The General Assembly had temporarily reduced the District to only five counties: El Paso, Douglas, Chaffee, Park and Elbert. Wilkin won in a landslide due in part to large majorities in El Paso County. He carried Manitou Springs 73-55, Colorado City 42-13, and Franceville 149-22.

Charles Libby of Chaffee County, elected 4th Judicial District Attorney in 1884, was the first to serve two full terms. Libby was born November 2, 1884 in Kittery, Maine. At the age of 15 he entered the Maine State Seminary and Nichols Latin School. He apparently reconsidered his vocational options and subsequently attended Bates College. He graduated in 1877 and was admitted to the Maine Bar in 1879 after serving an apprenticeship.

Libby rather abruptly and dramatically abandoned his New England roots in 1880 when he moved to Buena Vista, Colorado. He set up a private law practice and became the City Attorney for Buena Vista in 1881. He launched a successful campaign for District Attorney three years later and served as D.A. until 1892.

Colorado's first official census in 1890 showed that approximately 412,000 people lived in the state. It also indicated that the population of the 4th Judicial District, which by that time was one of seven, consisted of 25,342 full-time residents, including 20,758 white males, 4,484 females and 80 blacks. The Indian population was not counted.

State records also indicate that 1892 marked the first "formal" execution of a 4th Judicial District prison inmate at the Colorado State Penitentiary. Warden William Smith carried out the court order to hang Thomas Lawton on May 6, 1892. Records do not indicate his crime or the nature or length of his appeal. He was the first of four inmates from the 4th Judicial District that were executed after Colorado created a formal statutory procedure in 1890.

Meanwhile, El Paso County and Colorado Springs were gradually becoming the population center of the 4th Judicial District and the first District Attorney from El Paso County, John B. Cochran, was elected in 1892. It would be the last election in Colorado in which only males could vote. In 1893 Colorado became the second state in the country to grant women full voting rights. The change was approved by a vote of the state's male residents, 35,798 to 29,451.

John Cochran came from a distinguished Colorado Springs family. His father had been a member of the Kentucky Legislature who was noted for his vocal opposition to secession. In support of his pro-Union stance the elder Cochran had also freed all the family slaves he had inherited.

The Cochrans moved to Colorado Springs in 1890 and the elder Cochran served as both a judge and as Mayor of Colorado Springs during the next decade. John Cochran, who had followed his father into law, was elected District Attorney and served two years. Although the cause of his premature demise is unrecorded, he died sometime between leaving office in 1894 and his father's death in 1903.

Records of the El Paso County Commissioners indicate that in 1894 the Town of Manitou Springs asked El Paso County to house its prisoners in the county jail. The county agreed to do so for a fee of 75 cents per prisoner per day. One hundred years later, El Paso County would still be housing prisoners from other jurisdictions, but the rate would be \$58 per prisoner per day.

As history unfolded, perhaps the most infamous of 4th Judicial District Attorneys was Henry M. Blackmer, elected in November of 1894. Fortunately, the scandal that tainted Blackmer's reputation came well after his four years as District Attorney. Blackmer, a Republican, defeated John M. Johnson, the nominee of both the Democrat and the Peoples' parties. Blackmer had been the part time El Paso County Attorney since 1892. He was a Colorado Springs lawyer who made his way to the Cripple Creek-Victor Mining District with economic motives. His stint as public prosecutor seems to have served primarily as a means to enhance his social and political status in the Pikes Peak region.

After he left office, Blackmer unabashedly pursued his interest in commerce. He joined with A.E. "Burt" Carlton to control the Midland Terminal Railroad which ran from Cripple Creek to Divide and later to lease the "Short Line," a direct railway between Colorado Springs and Cripple Creek. He also had substantial interests in wagon transportation between Colorado Springs and the mining district. Carlton and Blackmer were accused by various segments of the community, including the print media, of seeking a local transportation monopoly.

But it was several years later before Blackmer became entangled in the notorious "Teapot Dome" scandal during the Warren G. Harding administration. Teapot Dome was a mineral formation near Casper, Wyoming. Oil interests closely tied to the President sold worthless leases on property that could not be developed. As chairman of the board of Midwest Refining Company Blackmer was apparently at the heart of the scheme described as "an ingeniously contrived device by the heads of companies to rob their stockholders."<sup>8</sup>

Blackmer was a prominent member of the Broadmoor social scene and he and his wife Lucy continued to live the high life in Colorado Springs until the mid-1920s when his role in the Teapot Dome scandal became fodder for local newspapers. Then, in anticipation of a Congressional Committee reopening the investigation of the scandal, Blackmer abruptly moved his family to Europe in 1926. They were socially active in both London and Paris. While the details of his last years are uncertain, he never returned to the Pikes Peak region.

Ironically, the most infamous of 4th Judicial District Attorneys was succeeded by one of its most illustrious. Henry McAllister, Jr. had served as Assistant District Attorney under Cochran and Blackmer. He became the District Attorney in 1898, the same year the Battleship Maine sunk in Havana Harbor, precipitating the start of the Spanish-American War.

McAllister was born into a prominent Philadelphia family on February 28, 1872. His father, Henry Sr., had served with distinction as a Union major in the Civil War and had befriended General William Palmer, the Civil War hero who founded Colorado Springs. When

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<sup>8</sup> Russel, Francis., *The Shadow of Blooming Grove*, McGraw-Hill, 1968.

Henry Jr. was a baby, his family moved to Colorado Springs at the beckoning of Palmer. In partnership with Palmer, the senior McAllister was instrumental in the early development of the city. He was largely responsible for some of the foresighted planning that occurred, including the construction of the city's wide downtown streets and the wide tree-lined residential streets in what is now known as the Near North End. The McAllister household at 423 N. Cascade, just north of downtown, is now a local historical landmark.

The McAllisters' western migration did not prevent Henry Jr. from getting a classic Eastern education. After graduating from Colorado Springs High School at the age of 16, he graduated from Swarthmore College near Philadelphia in 1892. He began reading the law at the age of 19 with the pioneer Colorado Springs firm of Lunt, Brooks and Wilcox, and was admitted to the Colorado Bar in 1894 at the age of 22. He was married to Pheobe Ketcham in 1896 in Long Island, New York. They would have two sons, Henry III and Townsend.

In his years as Assistant District Attorney and District Attorney, McAllister earned a reputation as an excellent trial lawyer. He was both a renowned orator and a gifted writer. In the fall of 1898 McAllister was accused in an editorial by the Evening Telegraph of ignoring illegal gambling in the 4th Judicial District. His letter of response was published on the front page of the Colorado Springs Gazette -- the Telegraph's rival newspaper -- on Sunday, November 6, 1898. He eloquently responded that, as long as he was the District Attorney, his office would do the best job it could to enforce any law enacted by the General Assembly. Interestingly enough, enforcement of anti-gambling statutes would still be a big issue in the district sixty years later.

McAllister was involved in establishing the Colorado Bar Association in 1897, and in the planning of the first annual meeting of the organization at the Broadmoor Hotel in 1898. Although he was also one of the 12 charter members of the El Paso County Bar Association in 1902, his statewide contacts and the demands of a burgeoning law practice dictated a move to Denver shortly after completion of his tenure as District Attorney in 1900.

Over the ensuing decades, McAllister became one of the most distinguished attorneys in the history of Colorado. In fact, he has

been formally recognized by the Colorado Bar Association as one of Colorado's greatest lawyers. His corporate clients included the Denver & Rio Grande Railroad, which he represented from 1916 until his death in 1954. He served on the first Board of Trustees of the El Pomar Foundation (the estate of Spencer Penrose), having represented Penrose for many years before his death in 1939. McAllister also represented the estate of Winfield Scott Stratton and the F.G. Bonfils Foundation, one of the most substantial estate trusts in Colorado. He belonged to almost every prestigious organization in Denver and Colorado Springs.

For McAllister, the law was not only his occupation but also his avocation. According to his contemporaries, he worked six-and-a-half days a week. When he was not working at his office, he was working in his den at home. The sudden death of his son Henry III in 1931 was a devastation that drove him even deeper into his law books. He had hoped Henry would practice law with him after graduating from Denver University Law School. McAllister had a few associates over the years. One was John L. Hart. After practicing with McAllister from 1938 to 1948, Hart left to join his brother Stephen and Joe Holland in forming the prestigious Denver firm of Holland and Hart.

Henry McAllister, Jr., died in Denver on July 20, 1954 at the age of 82. He was still practicing law. His Denver home at 1880 Gaylord Street, like that of his parents in Colorado Springs, became a state historical landmark. In recognition of his roots in the legal profession, his extensive law library was donated to the El Paso County Bar Association.

By the end of McAllister's term as District Attorney in 1900, Colorado Springs was thriving. William Palmer's friend and business partner, Dr. William Bell, had finally succeeded in promoting the community as a resort on an international scale. The town had become known as "Little London" due largely to the fact that over 2,500 people with British accents now called it their home. It was a nickname that stuck.

Palmer had built the first Antlers Hotel and tourists were flocking to the Pikes Peak region in order to experience the natural beauty and favorable climate. It seemed anyone who was anybody was making their way to Colorado Springs. Notable visitors during the last quarter of the 19th century included Ulysses S. Grant, Jefferson Davis, John D.

Rockefeller, Marshall Field, Oscar Wilde, William Jennings Bryan, Cornelius Vanderbilt, Generals William Sherman and Phil Sheridan, and Presidents Benjamin Harrison and Theodore Roosevelt.

The arid climate also made the region a mecca for health seekers. It attracted tuberculosis patients from throughout the country to area sanitoriums. Many were quickly healed and remained as residents of the community.

In general, the locals were absorbed in growth and prosperity and paid only passing attention to significant world events like the start of the Panama Canal or the first successful airplane flight of Wilbur and Orville Wright.

Before the turn of the century, the focus of the law in the 4th Judicial District, including the criminal law, was simply keeping the peace in the fading "Wild West." Court records of the 1890s indicate that cases handled by the District Attorney's Office also included such things as seduction, adultery and wife desertion. There were also many prosecutions for livestock rustling, for which the penalties remained very severe.

Despite the efforts of respectable locals, prostitution in turn-of-the-century Colorado Springs took place so frequently and openly as to make modern day Nevada Avenue seem tame in comparison. In fact, prostitutes were known to line up at the Rio Grande Railroad Station to welcome male tourists and visitors, thus earning it the nickname "Solicitor's Row."

Violence was also still very much a part of the frontier ethic. An occasional shootout or duel still took place, and in 1896 a Colorado Springs police officer died in the line of duty. Benjamin F. Bish was shot by one of two burglary suspects he was arresting. He was the first of nine C.S.P.D. officers who would die in the line of duty over the next century. While Colorado Springs was prospering, by the mid-1890s events were taking place in western El Paso County which would shift the focus of everyone's attention, including that of law enforcement, to the booming town of Cripple Creek.



The original El Paso County Jail stood for nearly a century before being replaced by a new jail in 1975.  
*(Photo courtesy of Colorado Springs Pioneers Museum)*



Henry M. Blackmer  
1895-98



Henry McAllister Jr.  
1898-1900

*(Photos courtesy Local History Dept., Penrose Public Library)*

## Chapter 3

### 1900-1913: THE GOLD MINING ERA

In 1891 a cattle rancher and parttime prospector named Bob Womack discovered a few tiny nuggets of gold in Poverty Gulch near a small stream called Cripple Creek in western El Paso County. As a consequence, the history of the state of Colorado, and the Pikes Peak region in particular, was changed forever. Over the next two decades, the Cripple Creek-Victor Mining District developed into one of the most productive gold fields in history.

The Sherman Silver Purchase Act of 1893 rapidly turned some of Colorado's silver mining communities into ghost towns and many of the silver miners turned their attention to gold. The influx of prospectors, speculators, and the people who supplied them swelled the highly transient population of the Cripple Creek area to almost 85,000 around the turn of the century, many times more than genteel Colorado Springs, which previously had been the focus of life in the Pikes Peak region.

As a consequence of this enormous growth, the Colorado General Assembly created a new county out of western El Paso County and part of Fremont County in 1899. Dignitaries from all over Colorado participated in a festive parade in Cripple Creek to mark the event in March of that year. The new Teller County, 27 miles long from north to south and 21 miles wide, was named after Henry Teller, who from statehood in 1876 until 1889 had served as one of Colorado's first U.S. Senators. Ironically, Teller, a distinguished attorney, would later join William Jennings Bryan in unsuccessfully advocating a change from the gold standard to "free silver." The new county, which remained part of the 4th Judicial District, consisted of more than fifteen mining towns.

Cripple Creek beat out its rival, Victor, to be named the county seat of Teller County. By all accounts, turn of the century Cripple Creek was a sight to behold. The two main streets were

Bennett and Myers avenues. Bennett was the center of the business district. Myers was the red light district. There were 139 saloons in Cripple Creek, causing Carry Nation to call the town a "foul cesspool." But Cripple Creek profited financially from the vice. The madams of the brothels paid a tax of \$16 per month. Each of their girls paid \$6 per month. Independent contractors or "crib girls" were paid \$4 per month. The town reported 300 such "taxpayers" in 1900. It also had 25 schools, 15 hotels, 40 grocery stores and eight newspapers. Seventy trains per day went in and out of the mining district.<sup>9</sup>

A large county courthouse was constructed to reflect the economic prosperity of the Cripple Creek and Teller County community. It cost \$60,000 to build and was dedicated with great fanfare on July 4, 1904. The courthouse was built at the corner of Bennett Avenue and North First Street at the west end of the bustling Cripple Creek commercial district. It included expensive oak staircases and walls, New Mexico pine floors and birch panel courtrooms with matching furniture. Ninety years after it was built, the Teller County Courthouse remains wonderfully preserved and functionally unchanged. The County Clerk, Treasurer and Assessor still occupy the first floor with county and district courts on the second floor.

The booming population of the Cripple Creek-Victor Mining District also brought an influx of lawyers. Many came seeking their own fortune. Others were summoned by prosperous clients. Still others simply served the function of prosecuting, defending and adjudicating the increasing number of conflicts that inevitably arose. There were as many as 90 lawyers practicing in the mining district around the turn of the century. But turnover was high and lawyers from Denver and Colorado Springs also spent considerable time traveling back and forth to the mining district.

The Teller County Bar had several prominent lawyers. But none of them was more widely known in the legal, political and social life of the mining district than J. Maurice Finn. After losing a bid for Congress in his home state of Michigan, Finn took Horace Greeley's advice and moved West, eventually landing in Cripple

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<sup>9</sup> Aldrich, John K., *Ghosts of Teller County*, Centennial Graphics, 1986.

Creek. Finn was apparently a capable lawyer. A Gazette newspaper article reported that "Mr. Finn's law business is undoubtedly the largest of any firm in the district, and his offices are the finest and best equipped in the West." But he was best known for his flamboyance, especially the way he spent money. Finn built a mansion in Cripple Creek called "The Towers" specifically to entertain Theodore Roosevelt during a visit to the district. It was known by Cripple Creek residents as "Finn's Folly." Finn also built a mansion in Denver for the exorbitant sum of \$50,000.

Another attorney, Ralph L. Carr, who practiced in the mining district in the early 1900s, won a statewide reputation for competence and statesmanship and would later be elected Governor of Colorado in 1939.

All of the 4th Judicial District Attorneys that served at the beginning of the 20th century had significant Teller County contacts. All maintained an office in the mining district and a few had mining interests of their own. Some became prominent because of their representation of mining interests.

The general election of 1900 pitted Cripple Creek attorney Henry Trowbridge, the nominee of the Democrat, People's and the Teller Silver Republican parties, against Republican John W. Sheafor of Colorado Springs. Trowbridge won, due primarily to the sizeable Teller County vote. Trowbridge was the first District Attorney to have his principal office in Teller County.

John Sheafor, though unsuccessful in his run for District Attorney, would be elected 4th Judicial District Court Judge in 1907 and serve for sixteen years before being elected to the Colorado Supreme Court, where he served another five years.

Like his predecessor Charles Libby, Henry Trowbridge was originally from Maine. Born in Waldoboro in 1860, he received a bachelor's degree from Colby College in 1883 and a law degree from Albany Law School in 1885. He and his new bride, Flora Lancaster, immediately came West to Colorado where he was admitted to the Bar in 1886. It's known that he practiced in the Cripple Creek-Victor Mining District for several years before he was elected District Attorney.

Trowbridge's principal problem as public prosecutor, like that of his immediate successors, was suppressing the growing violence arising out of the mining strikes that had plagued the district since 1893. The problem began when the work day for miners was increased from eight to nine hours without an increase in pay. This caused a large group of miners to demand that the Western Federation of Miners be recognized as their union. John Calderwood, who was head of the union, led 500 miners on strike in February of 1894. Several mines were closed until mine owners got a court injunction preventing striking union miners from interfering with mining operations. The result was a violent confrontation that gradually escalated in intensity.

Later in 1894, the striking miners in Cripple Creek, organized by union leaders, threatened to travel down the Gold Camp Road to Colorado Springs and attack the mansion homes of wealthy mine owners who lived in the city. The El Paso County Sheriff, N.F. Bowers, deputized over 1,200 men who manned battle stations along the route in anticipation of the onslaught that never occurred.

Cripple Creek became an armed camp with a variety of factions. The union men had armed headquarters on Bull Hill near Altman. The county sheriff and the Colorado Militia, sent to the district by Governor Waite and later Governor Peabody, both had large numbers of armed men to counter any attack. The worst violence occurred in 1903 and 1904 when over 3,500 strikers were idled. It culminated on June 6, 1904 when Henry Orchard, a terrorist hired by the union, dynamited the railroad station at Independence in what remains the worst crime in the history of the 4th Judicial District. Thirteen strike-breaking miners were killed and many others were injured. (Orchard would kill three more in bombing incidents, including the former governor of Idaho, before being brought to justice and sentenced to life in prison). The event led to the end of the strike. The Colorado State Militia used the martial law that was declared to expel a significant number of union sympathizers from the district. It was probably the darkest period in the history of the Pikes Peak region and may explain why Henry Trowbridge did not seek reelection in November of 1904.

Thomas J. Black was the Deputy District Attorney assigned to El Paso County during Trowbridge's tenure. Black was a good lawyer and joined Henry McAllister as one of the original incorporators of the El Paso County Bar Association. When Trowbridge left office in 1904,

Black moved to Montrose where he was elected District Judge in 1906. He sat on the bench until his death in April of 1926 at age 70.

From the midst of the labor chaos in the Cripple Creek-Victor Mining District emerged perhaps the most colorful person to ever hold the office of 4th Judicial District Attorney. Clarence Clark Hamlin was born in Manchester, Iowa, on January 7, 1868. After graduating from Iowa State University School of Law in 1890, Hamlin set up a law practice in Rock Springs, Wyoming, where he was elected to the Wyoming State Senate. He moved to Colorado Springs in 1896 and married Seddie Gunnell three years later. He eventually became publisher of the local newspaper, the *Gazette & Telegraph*. (The rival papers had merged). But his law practice also flourished. He represented several mine owners during the miners' strikes in Cripple Creek and eventually became their spokesman. He also became the stuff of which legends are made when he was the principal speaker at a mass meeting in June of 1904 which ended with a gunfight that killed two people. The rally took place several days after the bombing of the Independence Railroad Station. Lowell Thomas, then a youngster living in nearby Victor, vividly recalled being an eye witness to the incident in his 1976 autobiography:

"At three o'clock in the afternoon, with more than a thousand people pressed into a narrow corner lot, a bantam of a man named Clarence C. Hamlin climbed up on a flat-topped wagon and began addressing the crowd. Almost at once you could see the tension mounting toward a frenzy. For Hamlin, a lawyer from Colorado Springs and the secretary of the Colorado Mine Owners Association, was a fiery orator and had been chosen to speak for just one purpose -- to whip the crowd into a mob. Arms outflung, he summoned up the image of the gold camp's orphaned children and beseeched 'every man with guts' to get a gun and drive the cursed Western Federation of Miners out of the town once and for all. 'The time has come for you to take the matter into your own hands.' he shouted.

"That did it, a union sympathizer yelled something back at Hamlin and was immediately beaten up by others near him. Then shots were fired and the wagon horses bolted, toppling Hamlin to the ground."<sup>10</sup>

Hamlin capitalized on his prominence to win the Republican nomination for 4th Judicial District Attorney in the fall of 1904. In the general election he handily defeated Democrat Robert L. Hubbard of Colorado Springs. As District Attorney, Hamlin continued to battle against the Western Federation of Miners. He apparently remained president of a mining company and, along with other gold fortune nabobs, resided in a home on "Millionaires' Row" at 1122 Wood Ave. The Hamlin home is now owned by The Colorado College and used as a student residence.

Hamlin gained a reputation as a tough prosecutor and instead of seeking reelection as D.A., resigned in early 1908 with the intention of parlaying his regional fame into a seat in the United States Senate.

Because the 17th Amendment to the U.S. Constitution had not yet been passed, U.S. Senators were still chosen by their state legislators. In Colorado, a Senate hopeful typically recruited a statewide slate of legislative candidates pledged to vote for him for the job. Hamlin went so far as to field a slate of local candidates as well.

When Hamlin stepped down as District Attorney in early 1908, former D.A. Henry Trowbridge was appointed to fill out the term. In the November election of 1908, Trowbridge switched from the Democratic Party to become a Hamlin Republican. He was opposed by Democrat Joseph E. Ferguson and Socialist Party candidate J.L. Schaefer. In a one-half page ad on election day, November 3, 1908, Ferguson alleged Trowbridge had only collected \$6,000 in "plunder" from thieves prosecuted during the 1908 term of the court. It is uncertain whether plunder referred to fines or restitution or both. At any rate, Ferguson vowed to do better.

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<sup>10</sup> Thomas, Lowell, *Good Evening, Everybody*, Avon Publishing, 1976.

When the votes were tallied, Hamlin's slate suffered a humiliating defeat, including Trowbridge, who was beaten by Ferguson by a margin of around 1,000 votes. The demise of the "Hamlin machine" was the subject of several political cartoons in Colorado's major newspapers.

Hamlin remained a prominent figure in the Colorado and National Republican Party, however. He served as the state's Republican National Committeeman from 1924 to 1932 and counted among his friends and occasional dinner companions Herbert Hoover, Warren G. Harding and Calvin Coolidge. On the local social scene, he also remained a man of considerable stature. He was a close friend of Spencer Penrose and a charter member of his prestigious Cooking Club. He also remained associated with the Gazette & Telegraph newspaper. Hamlin died October 19, 1940 at the age of 72.

Joseph Ferguson was 41 years old when he was elected District Attorney in 1908. Like Hamlin, Ferguson was from Iowa. He was born in Magnolia in 1867 and was raised on his father's farm in the Missouri Valley. He was admitted to the Iowa Bar but was also formally trained as a civil engineer.

Ferguson joined the Westward movement to Colorado and arrived in Victor in 1898. After working as an engineer for approximately a year he resumed the practice of law, forming a partnership with Judge Huff. Soon he was appointed City Attorney for Victor and remained in that position for the next four years while also pursuing a private practice in the mining district. He ran unsuccessfully for District Judge in 1906 but used the name recognition he gained to wage the successful D.A. campaign in 1908. Ferguson maintained the principal office of the District Attorney in Cripple Creek.

At the end of his term in 1912, Ferguson once again ran for District Judge. He won the Democratic Party's nomination, but died of a massive heart attack during the campaign. Ferguson's wife and three children apparently remained in the mining district for several years after his death.

In contrast to the chaos in Teller County during the first decade of the 20th century, life in Colorado Springs and El Paso County was relatively tranquil. The city prospered as a result of the

fortunes being made in the Cripple Creek-Victor Mining District. Most of those who made a fortune in the district resided in Colorado Springs, many on Wood Avenue, which as indicated, had been dubbed "Millionaires' Row." Mining moguls in Colorado Springs included W.S. Stratton, a carpenter turned millionaire who died in 1902 and left an estate that would still benefit the community ninety years later. Spencer Penrose had also become one of the area's foremost citizens. Having arrived in 1892, he entered into a real estate partnership with his old Philadelphia friend Charles Tutt. While he would find business success in the Pikes Peak region, his greatest wealth would come from copper mining in Utah. At his death in 1939 he too would leave a fortune that would greatly benefit the state of Colorado for many decades to come.

One visible manifestation of El Paso County's new prosperity was its first permanent courthouse, built between 1901 and 1903. William Palmer's Colorado Springs Company deeded to El Paso County a square city block bounded by Nevada on the east, Cucharras on the north, Tejon on the west and Vermijo on the south. The county, in turn, agreed to invest up to \$200,000 on the project, and further agreed that the grounds around the courthouse would forever be maintained as a public park. Architect A.J. Smith designed a large, handsome and ornate building typical of its time and worthy of the thriving community it would serve. Its tall clock tower became the most prominent manmade landmark in the region. Approximately half of El Paso County's almost 40,000 residents attended the dedication ceremony for the courthouse in May of 1903, a fitting beginning for a structure that would remain the center of the county's legal community until a new courthouse was built in 1971, and for a building that would thereafter continue to be of historical significance as the Pioneers Museum. But the construction of the courthouse was not without controversy. A lawsuit by a plaintiff claiming the county had agreed to purchase his property for the site of the courthouse created much uncertainty until it was settled. Another dispute arose when the County Commissioners decided to use stone from Chaffee County rather than from a quarry in El Paso County.

Despite the problems, the new courthouse was opened for business in 1903. James A. Orr had been elected El Paso County

Judge in 1902. Orr had come to the Cripple Creek-Victor Mining District in 1893 and to Colorado Springs in 1899. He had formed a partnership with Charles McKesson, a lawyer and pioneer mayor of the city. Orr's stature in the Colorado Bar added considerable prestige to the local bench.

While most of the problems faced by the District Attorney's office during the first several years of the new century emanated from Teller County, El Paso County also provided some excitement. In 1903, during the term of Henry Trowbridge, it was discovered that a gang of hucksters and pickpockets had been paying protection money to Colorado Springs Police Chief Vincent King and Detective Joel Atkinson. Both men were indicted and successfully prosecuted by the D.A.'s Office.

On September 9, 1911, during the term of District Attorney Joseph Ferguson, the tranquility of Colorado Springs was shattered by what remains the most heinous single crime in its history. Colorado Springs police were called to a house on the city's outskirts only to find that an axe murderer had taken the lives of six persons. Henry Wayne, his wife Blanche, and their two-year-old daughter were found hacked to death along with their neighbor Mrs. Alice Burnham, her six-year-old daughter and three-year-old son. The authorities' prime suspect was Mrs. Burnham's husband, Arthur, who was a tubercular patient at a sanitorium north of town. But the sanitorium superintendent provided an alibi for Burnham which the police were never able to successfully refute. Despite the full-time attention of three C.S.P.D. officers and two Sheriff's detectives for over a year, the crime was never officially solved and remains a mystery to this day.

The 1912 annual report of the Colorado Springs Police Department, issued by Chief Burno, indicates 1,534 people were arrested in that year, including 50 women. \$12,730.26 in property was reported stolen, a 40 percent decrease from 1911. The department also reported "disposing of horses and placing an automobile in their stead, enabling officers to arrive at the scene of trouble with considerably less delay."



This panoramic view of Cripple Creek in 1900 shows why, in its heyday, it had more population than prim and proper Colorado Springs.  
(Photo courtesy of Local History Dept., Pikes Peak Library District)



The Teller County Courthouse in Cripple Creek, built in 1904, is once again a busy courthouse in the midst of today's gambling mecca.  
(Photo courtesy of Local History Dept., Pikes Peak Library District)



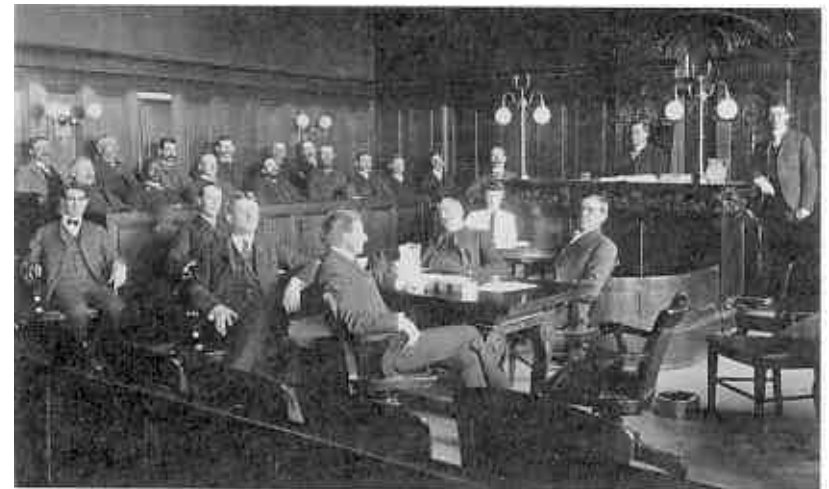
A funeral procession files through the streets of Cripple Creek in 1904. On June 6, 13 people were killed by a terrorist bomb at Independence Depot as tense labor-mine owner strikes and riots climaxed in violence.



Clarence Clark Hamlin, 1905-08  
(Photos courtesy Local History Dept., Penrose Library District)



The El Paso County Courthouse was opened in 1903: It has since become the Colorado Springs Pioneers Museum.



Shown is the first jury convened in the El Paso County Courthouse. In the jury box, note the county's first African-American juror. (Photos courtesy of Local History Dept., Pikes Peak Library District)

## Chapter 4

### 1912-1965: LITTLE LONDON GROWS UP

In 1912 Teddy Roosevelt and Howard Taft managed to split the conservative vote and Democrat Woodrow Wilson captured the White House. The onset of World War I was imminent. The ore production of the Cripple Creek-Victor Mining District had dwindled significantly. The exodus of mine workers and merchants was well underway and the population of Teller County had decreased to around 14,000, a third the size of growing El Paso County.

By the time the United States entered World War I, only a half dozen attorneys still maintained offices in Teller County. The focus of commerce -- and law enforcement -- had clearly shifted to Colorado Springs. While many young men in the Pikes Peak region were called off to the war, the community's attraction to tourists and health seekers remained fairly constant.

The 4th Judicial District Attorney during most of the war was Michael W. Purcell. He had been the Assistant District Attorney under Joseph Ferguson and captured the Democratic nomination in 1912. He was opposed by Republican Willis Strachan and a man named MacDonald, the candidate of the Prohibition Party. Purcell took out a full page ad in the Sunday, November 3, 1912 edition of the Colorado Springs Gazette in order to respond to an editorial that had appeared a week earlier. The editorial, entitled "A Record of Extravagance," alleged that D.A. case expenses had increased from \$510.13 during the term of Clarence Hamlin to \$2,351.82 during the first three-and-one-half years of the Ferguson-Purcell administration. Purcell's ad pointed out that the \$510.13 figure was

only for one year and that total case expenses were comparable. Purcell also pointed out in the ad that it was his opponent, Willis Strachan, who, as El Paso County Attorney, had approved payment of the expenses. Curiously, the major expenses during the period were payments made to an investigator called an Evidence Officer for the purpose of "obtaining evidence." The job apparently resembled that of a modern day investigator.

The hard fought race ended in a close election. Purcell edged Strachan by less than 500 votes. MacDonald was a close third. Strachan continued as El Paso County Attorney and prepared for a rematch with Purcell in 1916.

Purcell was born December 3, 1863 in Chicago and was admitted to the Illinois Bar in 1904 at the age of 41. He made his way to Colorado Springs shortly thereafter. An Irish Catholic, he married Katherine Flaherty in 1888 and the couple had nine children.

By all accounts, things were pretty quiet in Colorado Springs during World War I and the District Attorney's Office remained a largely part-time endeavor for a handful of lawyers. Records indicate Purcell was paid around \$200 per month. There was no military presence in the community yet and the city's decades of rapid growth were still ahead.

In the general election of 1916, Strachan defeated Purcell quite handily. Purcell remained active in the community, as a member of the Elks Club, Knights of Columbus, Pikes Peak Club and Colorado Springs Golf Club. He would also become the only 4th Judicial District Attorney to have a relative who would also serve in the post. His son, Thomas, would be appointed to fill out an unexpired term in 1940.

Effective January 1, 1917 the Colorado General Assembly increased the number of judicial districts from the 13 established in 1885 to its present day total of 22. The 4th Judicial District included seven counties at that time: El Paso, Teller, Douglas, Elbert, Lincoln, Kit Carson and Cheyenne Counties. It would remain that way until 1960.

Willis L. Strachan was the first native and lifelong resident of Colorado Springs to be elected District Attorney. Strachan was born in Colorado Springs on July 8, 1878 and literally grew up with the town. He graduated from Colorado Springs High School, from the University of Colorado in 1900 and from Colorado College in 1901. He was

admitted to the Colorado Bar in 1902. Strachan married Otti Gilbert in 1904 and the couple would have two children, Willis, Jr. and Mildred. Willis Strachan, Jr. would become a prominent physician.

Strachan had an outstanding legal career. As indicated, he served a term as El Paso County Attorney before being elected District Attorney. He would serve two terms as District Attorney until 1925. He served as president of the El Paso County Bar Association in 1921 and became chairman of the El Paso County Republican Party in 1922. He also served for 11 years, from 1915-1926, as a Colorado representative to the prestigious National Conference of Uniform State Laws. When Strachan was defeated in the election of 1924, he entered private practice with Chester B. Horn and Robert Anderson. Horn had studied law while acting as Evidence Officer in the D.A.'s Office under Michael Purcell. Though a staunch Democrat, he served as a Deputy District Attorney under Strachan until he was appointed Public Trustee for El Paso County by Governor Gunter. The firm of Strachan, Horn and Anderson would be prominent in the community for many years and represent many prestigious clients before Willis Strachan died January 19, 1948 at the age of 69.

While Colorado had approved statewide prohibition in 1914, it was not until near the end of Strachan's first term in 1919 that Nebraska ratified the 18th Amendment to the United States Constitution, thus ushering in the 13-year period of national Prohibition in America. It was one of the most lawless periods in the country's history and an interesting time for law enforcement in the 4th Judicial District. What made Colorado Springs somewhat unique is that it had been an area of supposed prohibition since it was established by General Palmer in 1872. There were no legally operating saloons. The real estate deeds issued by the Colorado Springs Company and filed with the Clerk and Recorder prohibited the consumption of alcohol in any of the original town property. A violation could result in forfeiture of the property. The city's newspaper, the Gazette, had long railed against the evils of alcohol and urged strict enforcement of the ban. While Prohibition was ignored by many of the locals, largely because liquor could still be bought at drug stores for "strictly medicinal purposes,"<sup>11</sup> there is no doubt that "Little London" was a bit drier than

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<sup>11</sup> Sprague, Marshall, *Newport in the Rockies*, Swallow Press, 1961, page 52.

most towns on the western frontier. The most ostentatious imbibing took place outside the city limits. So while Prohibition was not much of a trauma for Colorado Springs, it was for the rest of the 4th Judicial District.

The District Attorney's Office spent a good deal of time and effort attempting to enforce Prohibition and one Colorado Springs defense attorney, H.T. McGarry, gained a regional reputation for his frequently successful defense of bootleggers. The prosecution was generally handled by Deputy D.A. J.A. Carruthers, who assisted Strachan in the D.A.'s Colorado Springs office.

In 1920 Willis Strachan was challenged by a young Democrat lawyer named John C. Young. Young lost by 4,000 votes but garnered the praise of local media for the manner in which he had conducted the campaign.

In 1924 Ku Klux Klansman Clarence Morely was elected governor of Colorado, and Klan-backed Rice Means was elected U.S. Senator. But in the 4th Judicial D.A.'s race, John Young again faced the two-term incumbent Strachan. He was not discouraged by having lost a legislative race in 1922. The 1924 campaign for District Attorney was an intriguing battle between two good lawyers and ended in Young pulling off what a Gazette Telegraph headline described as "The Big Upset." Young carried El Paso County by 73 votes and won the election by a total of 885 votes -- 14,447 to 13,562.

John Carlton Young had an illustrious legal career. He would eventually join his predecessor, Henry McAllister, Jr., in being formally recognized by the Colorado Bar Association as one of the greatest lawyers in the history of Colorado.

Young was yet another of the several local District Attorneys originally from Iowa. He was born in Shelby County on December 20, 1886. At an early age he moved with his family to Missouri. He attended public school and eventually obtained a teacher's certificate from the Missouri State Normal School. He taught school to earn money for law school. He graduated from the University of Missouri Law School and was admitted to the Missouri Bar in 1912. Young moved to Colorado Springs in 1914 to set up a private practice. After his unsuccessful political campaigns in 1920 and 1922, he served as El Paso County Attorney

in 1923 and 1924 before embarking on his successful campaign for District Attorney in the fall of 1924.

Young was an aggressive and well regarded prosecutor and in 1928 he beat Republican T.C. Turner by about 1,500 votes to earn reelection. One of his campaign posters from that year can be seen in an historical display in the D.A.'s Office today.

John Young's second term as District Attorney was interrupted when he was named a District Judge for the 4th Judicial District in 1931. Four years later he was elected to the Colorado Supreme Court where he served for 10 years, the last three as the court's Chief Justice.

But retirement from the Supreme Court was not the end of Young's distinguished legal career. He served as a judge of the United States Railway Labor Court until 1947. Then, at the age of 60, John Young achieved the high honor of being named by President Harry S Truman as one of seven American judges to serve on the Nuremberg War Crimes Tribunal. He was chief judge of a section of the court that tried several major Nazi military leaders. The panel also consisted of Judge Justin Hardy of Ohio and Judge Winfield Hale of Tennessee and was affectionately known as the "Young, Hale and Hardy" section of the Nuremberg Court.

After the War Crimes trials, Judge Young returned to Colorado Springs and practiced law until his retirement. He died January 23, 1981, at the age of 94. John Young was a modern day renaissance man. His eulogist, Ben Wendelken, said he was extremely knowledgeable in literature, religion, philosophy, medicine and psychology. An earlier Gazette Telegraph editorial agreed: "John Young knows more law than most lawyers. He knows more jurisprudence than most jurists. He knows more philosophy than most philosophers, more theology than most theologians, and more journalism than most journalists."

Young was also a man of strong convictions. He vehemently opposed Colorado's move toward appointed judges, insisting that elected judges were more accountable to the public.

He was a lifetime member of the local First Baptist Church. His wife, Irene Lawrence Young, was a prominent local singer. His two sons, John C., Jr. and Rush, both became Colorado Springs attorneys.

When Young resigned as District Attorney in 1931 to take the District Court post, his El Paso County deputy, John M. Meikle, was appointed to finish out the term in 1932. Meikle would then lose the Democratic Party's nomination to former 4th Judicial District Court Judge Clyde L. Starett. The Republican candidate in 1932 was Wilbur Alter who had been a City Attorney, County Attorney, Deputy District Attorney and District Court Judge elsewhere in Colorado. In 1928 Alter had been elected to the Colorado Supreme Court by a large margin. But for reasons that are not revealed by newspaper accounts, he moved to Colorado Springs in 1932 and was drafted by local Republicans desperate to win back the District Attorney's Office.

But Starett carried four of the seven counties in the 4th Judicial District to win a cliffhanger, 19,902 to 18,926, perhaps riding the coattails of Franklin D. Roosevelt's landslide over Herbert Hoover. Wilbur Alter would return to Denver upon being re-elected to the State Supreme Court in 1944 and would serve until 1957, the last three years as Chief Justice.

John Miekle became the El Paso County Attorney after his defeat and was elected District Court Judge in the general election of 1934. He would serve with distinction for 20 years on the District Court Bench.

The Great Depression impacted Colorado as it did the entire country, but the impact on the communities in the 4th Judicial District was felt primarily in the decline of agriculture and tourism. By the early 1930s Colorado Springs, a city of about 35,000 people, was no longer the Wild West. In fact, men like Spencer Penrose were making it look more civilized all the time.

Clyde L. Starett, the successful candidate for District Attorney in 1932, had a varied and interesting career. He was born in Lancaster, Pennsylvania, in the heart of Amish country, on September 24, 1871. He married his hometown sweetheart, Lillian Mitchell, in Lancaster in 1894. His initial vocation was the newspaper business. He became the editor of the Lancaster Excelsior; but somewhere along the way Starett's interests turned away from journalism and he began a westward migration. For two years he was the official stenographer for the Circuit Court of Missouri. By 1901 he had made his way to El Paso County and had

become Deputy Clerk of the El Paso County Court, followed by a five year stint as the 4th Judicial District Court Clerk. During this period he was also able to study law and was admitted to the Colorado Bar in 1910 at the age of 39.

From 1910 to 1914 Clyde Starett was the Police Court Magistrate for the City of Colorado Springs. He set up a private law practice in 1914 that lasted until he was appointed the 4th Judicial District Court Judge in 1931. Starett then successfully sought the Democratic nomination for District Attorney in 1932. With his narrow victory at age 61, he became the oldest man to tackle the job.

Starett's years as public prosecutor may be characterized by a Depression era analysis of the El Paso County jail's inmate population. The analysis was done by Alice Van Diest and is evidenced in a scrapbook found in the Special Collections Section of the Colorado College Tutt Library. It makes for a fascinating glimpse of the less civilized side of "Little London." While the analysis has the distinct flavor of its social worker author, it shows that some things haven't changed and that some things have improved considerably. According to Van Diest, during 1933, one out of every 78 male residents of El Paso County spent some time in the county jail, a percentage significantly higher than today. In 1936, 510 people were incarcerated in the jail, again a large number considering the population of the county at the time was 50,000. Van Diest reported that "Forty-four percent of the prisoners are in jail for disorderly conduct and drunkenness, 64 percent show signs of suffering from mental abnormalities of some sort."

Starett was the first Fourth Judicial D.A. to appear before a woman judge. Irene Ingham was appointed to the district court bench in 1938 by an old Teller County friend, Ralph Carr, who had just been elected governor. It would be another fifty years until Jane Looney would become the second female district court judge to serve the district.

Clyde Starett was a well known and popular man in the community, evidenced by his high status in the local Elks Lodge and Masonic Lodge. He won reelection in 1936 over Republican Cyrus W. Dolph. A 3,000 vote margin in El Paso County led to a 2,500 vote victory, despite losing four of the seven counties. Starett's age and

health and the demands of his office caught up with him, however, and he died in office on August 30, 1940, a few months before the next general election.

Starett's death in office resulted in the immediate appointment of his assistant, Thomas Purcell, as District Attorney. Thomas was following in the footsteps of his father, Michael, who held the office from 1913 to 1917. Thomas Purcell was born in Kansas in August of 1892 but his family moved to Colorado Springs in 1901. Like John Suthers, who would become District Attorney 48 years later, Purcell graduated from St. Mary's High School in Colorado Springs. He subsequently graduated from Regis College, married Alice McGovern of Omaha in 1915, and was admitted to the Colorado Bar in 1916. He served in the United States Secret Service during World War I. After the war he settled down with his wife and three children at 14 W. Washington St. and practiced law. For seven-and-one-half years he also served as Assistant District Attorney under Clyde Starett, until answering the call to fill out the last five months of Starett's term.

The Republican Party was intent on recapturing the District Attorney's Office in 1940, after a 16-year period of Democratic domination, the longest consecutive tenure the party has enjoyed. The Republicans sought an established local attorney to run for the office against Thomas Purcell, and they found one in Irl Foard.

Foard was born in Ripley County, Missouri, on October 24, 1887 and was one of 11 children. His parents, William and Nancy Foard, had been Kentucky tobacco growers before moving to the Missouri Ozarks. Foard graduated in 1915 from Missouri State Agricultural College and became editor of the "Journal of Agriculture," and the "Missouri Ruralist."

Irl gave up journalism and, along with two of his brothers, John and Roy, pursued the study of law. Eventually all three set up a private law practice in Colorado Springs. The "Foard Brothers" law firm provided over 40 years of legal service to the community. Irl became very active in the community serving as Rocky Mountain District Governor of Kiwanis International in 1936 and as president of the Colorado Springs Chamber of Commerce in 1938. A Methodist, Foard also belonged to the Elks Lodge and the Woodmen of the World.

In 1940, at the age of 53, Foard agreed to carry the Republican banner in the general election for D.A. He beat Purcell in a relatively close race. It would mark the end of Purcell's public life. He would lose an election for District Judge to Republican G. Russell Miller in 1944. Foard's victory was also indicative of the growing strength of the local Republican Party. It would become dominant over the next five decades.

At the start of his first term, Foard appointed his brother Roy as his Assistant District Attorney. In addition to his brother, Foard appointed a staff of seven deputies to cover the seven counties of the district. James F. Quine and E.J. Bond covered El Paso and Elbert Counties. Harold Senter covered Douglas County, V.H. Johnson covered Cheyenne County, Thornton Thomas covered Kit Carson County, Charles Beeler covered Lincoln County and Sam Nikkel continued to serve as a deputy in Teller County. The office had a reputation for being tough, a reputation enhanced by the gas chamber execution of two El Paso County murder defendants, Martin Sukle and John Sullivan, in 1942 and 1943 respectively.

About the time Irl Foard took office, a major development was taking place that would greatly impact the future growth of Colorado Springs. Charles Tutt and other community leaders, armed with a myriad of inducements and recognizing that an American military build-up was underway because of developments in Europe, went to Washington, D.C., to try to convince the Army brass to locate a training base in the Pikes Peak region. Their efforts paid off in the completion of Camp Carson in 1942 (later to become Fort Carson). In the next few years the Army base would bring \$30 million and 30,000 soldiers to Colorado Springs. The population of El Paso County would grow by 45,000 during the next decade. Between 1940 and 1945, the military payroll in Colorado would grow from \$3 million to \$152 million. The Depression was clearly over for the Pikes Peak region.

The proximity of Fort Carson led to the establishment of Peterson Air Field and Ent Air Force Base right after World War II. And that simply inspired local boosters to their greatest triumph, the awarding of \$200 million to build the United States Air Force Academy in 1954. Despite increased demands on law enforcement, the 4th Judicial District weathered the World War II era quite well.

Foard was reelected in 1944, easily defeating Democrat George E. Steinmetz, and would serve a full second term before retiring at age 61. During his eight years in office, the D.A.'s Office was located in the Exchange National Bank Building at the southwest corner of Pikes Peak and Tejon Streets, where his private law office was also located. Years later, upon the death of Foard's wife, her estate would donate certain memorabilia, including his badge, to the D.A.'s Office historical display.

While Irl Foard did not seek reelection in 1948, the Republicans won the office again in the general election of that year. Deputy District Attorney James F. Quine, Jr., was their standard bearer. He defeated Democrat John F. Bennett in a close race, primarily because of a 1,500 vote margin in El Paso County. Bennett became a successful private practitioner in Colorado Springs and would still be practicing law 46 years later.

Quine was born in Telluride, Colorado, on August 2, 1909. He graduated from the University of Colorado Law School in 1933 and moved to Colorado Springs to practice law. During World War II he served as a Judge Advocate in the Army. Upon his return, he overcame serious illness to seek and win the District Attorney's job.

Among the Deputy District Attorneys that served under Quine were Don Higby, Patrick Hinton and Hunter Hardeman. Higby and Hinton would later serve as District Attorney themselves. Hardeman, who served as Deputy District Attorney for six years and Assistant D.A. for two years, would become a 4th Judicial District Court Judge.

James Quine was reelected as District Attorney in 1952 and served a full second term. Although he lost his bid for a third term in 1956, he was subsequently named an El Paso County Court Judge. He served on the bench, despite his ill health, until his death on December 29, 1977. Quine was a member of the First United Methodist Church, Lodge 104 of the VFW, the Al Kaly Shrine and Eastern Star. He and his wife Adeline, a daughter and a stepson, were longtime residents of 12 Elm Street in the Broadmoor.

By the 1950s Teller County was an eerily quiet place. The population had dwindled to a mere 2,500. But the mid-1950s was a time of change for the Teller County Court. In 1955 Justice of the Peace Vincent Ryan retired. His replacement, Margaret Tekavee,

would preside over the Teller County Court for the next 30 years. Tekevee was born in Austria in 1912 and grew up in Victor, the daughter of a miner. She entered first grade unable to speak English. After graduating from high school she got a job as a Teller County Court Clerk. When Ryan retired, she convinced the Teller County Commissioners to let her serve as both Judge and Court Clerk until the next election. She then surprised everyone by running for the job and winning. She was overwhelmingly elected every four years thereafter.

Tekevee had no formal training in the law, but became remarkably well versed by studying cases in the courthouse library during her lunch break. She developed a great reputation for fairness and common sense. The deputy district attorneys who worked with Tekevee expressed great respect and affection for her. Sam Nikkel, who was the only attorney who officed in Cripple Creek for most of her tenure, served as the part-time Teller County Deputy D.A. for over 20 years. Some defense attorneys recall that Tekevee would sometimes call Nikkel to the bench right after he finished prosecuting a case and ask his opinion as to whether she should find the defendant guilty. They also recall that Nikkel would, on occasion, recommend acquittal. Ned O'Brien, Newman McAllister and B.J. Fett, each of whom served a stint as the Deputy District Attorney in Tekevee's court, confirm that she was trusting of an attorney until he gave her a reason not to be. Margaret Tekevee was required by law to retire in 1984 at the age of 72. At the time she was one of the last, if not the last, non-lawyer judge in Colorado.

In the 1952 election James Quine handily defeated a young Democrat lawyer by the name of Leo Rector. In resurrecting a 50-year-old issue, Rector criticized Quine for not prosecuting illegal gambling. Quine's newspaper ads focused on Rector's relative inexperience. The margin was 10,000 votes.

In the 1956 general election the incumbent Quine was again opposed by Democrat Leo Rector. But the matter became more complicated when an independent candidate, John Gately, also entered the race. Both Rector and Gately ran aggressive campaigns against Quine, who did little to counter their charges. The challengers used extensive television advertising, something entirely new to local political campaigns. Post-election analysts believed that Gately took a significant number of Republican votes from

Quine and the result was a victory for Rector, the first Democrat to hold the job since 1940. Rector won by about a thousand votes with Gately capturing over 20% of the vote. The division in the Republican Party was a scenario the Democrats would successfully capitalize on again 28 years later when Barney Iuppa defeated Robert Russel.

Leo Rector was born March 24, 1920 in Minneapolis. He graduated from North Dakota State Teachers College in 1945 and from the University of Colorado Law School in 1947. During World War II he served with distinction at Guadalcanal.

Rector was admitted to the Colorado Bar in 1948 and set up a practice in Colorado Springs. After his election as District Attorney in 1956, he appointed his former law partner, Hayden Kane, as Assistant District Attorney. Other deputy district attorneys who served under Rector included B.J. O'Leary, Byron Akers, Wayne Hodson, and Jerry Donley.

While the Earl Warren Supreme Court would not reach its zenith for several more years, Rector's term in the late 1950s saw the beginnings of the expansion of criminal defendants' rights. In a Gazette Telegraph article on September 17, 1960, Rector foreshadowed the changes of the coming period.

"One of the proposed rules would allow judges to require prosecutors to make their evidence available to defense attorneys before trial. The other would demand that any person arrested . . . be informed of his Constitutional rights. Our worst fears are that [the rules] will be used very leniently by judges to make evidence available to defendants and that . . . if told by a Justice of the Peace, particularly one with no legal education, that he need not make a statement, a defendant would be extremely reluctant to make a confession."

The late 1950s saw another change that would impact local law enforcement. The death of Colorado Springs Police Chief Earl "Dad" Bruce was the beginning of the end of a period when the exercise of police power had been largely unfettered and unsupervised by the courts.

But all in all, the 1950s were a fairly quiet time for the entire 4th Judicial District. The espionage trial of Julius and Ethel Rosenberg was a remote happening, and even the Korean War did

not give the citizens a clear glimpse of what the Cold War would be like, and of the turmoil that would mark the coming decade. The post-war economy in the Pikes Peak region was booming and El Paso County's population nearly doubled during the decade of the 1950s from 75,000 to almost 150,000 people.

Leo Rector's four-year term was marked by two particularly high-profile cases. By the late 1950s organized gambling and related criminal activities had indeed become a problem in the 4th Judicial District. Perhaps more accurately, it was a longstanding problem that law enforcement was no longer willing or able to ignore. One major culprit was Ova Elija "Smiling Charlie" Stevens. Among Stevens' illicit enterprises was a private club called Blakeland in Douglas County, then still part of the 4th Judicial District. Members of the D.A.'s Office, in cooperation with several other law enforcement agencies, raided the club one night. Stevens, his wife, and 14 others were caught "in the act" and arrested. The Douglas County Sheriff was conspicuous by his absence in the raid, and the public learned why a short time later when the Sheriff himself was arrested. He was convicted of felonies related to Stevens' illicit operation.

Leo Rector was also present, along with FBI agents, when the body of Adolph Coors III was discovered in Douglas County. An heir to the Coors Brewery fortune, Adolph Coors III had been kidnapped in one of the most sensational crime stories in the history of Colorado. The discovery of his body and the evidence that was obtained from the scene helped lead to the arrest and conviction of Joseph Corbett, Jr. for kidnapping and murder.

Leo Rector ran for reelection in 1960, but unlike 1956, the Republicans put up a united front behind Colorado Springs attorney Don Higby. Rector suffered a very disappointing 7,000 vote loss, despite John F. Kennedy's victory at the head of the Democratic ticket. Independent D.A. candidate John Gately, who also ran in 1960, was much less a factor than four years earlier.

Rector returned to private practice with Hayden Kane and subsequently was a named partner in several law firm associations. He served as president of the El Paso County Bar Association in 1976 and served on the Board of Governors of the Colorado Bar Association from 1976 to 1979.

Donald W. Higby, the winner of the 1960 District Attorney race, had graduated from Washburn University School of Law in Topeka, Kansas, and was admitted to the Kansas Bar in 1939. He was stationed at Fort Carson during World War II before serving in France and Germany, and after the war decided to make Colorado Springs his home.

Following his military discharge in 1946, Higby was admitted to the Colorado Bar and went to work for the 4th Judicial District Attorney's Office. He served as a Deputy District Attorney for two years under Irl Foard and James Quine, and was Quine's Assistant District Attorney from 1950 to 1954. He then remained strictly in private practice until his successful bid for District Attorney in 1960. Higby was a member of Grace Episcopal Church, the American Legion, the Elks and Moose Lodges and the Pikes Peak Range Riders.

While Colorado Springs and the 4th Judicial District had grown considerably by 1960, records show that Higby's caseload was still quite low compared to today. The office handled less than 300 cases in the district's six counties during the first half of 1962. That included cases in the District, County and Justice of the Peace Courts. The most serious cases included one murder, three rape cases, six indecent liberties cases, four aggravated assaults, four narcotics cases, 11 forgeries, 16 check frauds, three aggravated robberies, six burglaries and five larcenies.

Higby's entire office budget for 1961 was \$98,696. The office had moved from the Mining Exchange Building, where Rector had been located, to the Colorado Commercial Building. Higby's staff included Assistant District Attorney James Moyers, Chief Deputy William Eckard, and deputies Norm Walton, Raymond "Buzz" Wilder, B.J. O'Leary, Jack Foutch, Herb Ratner, Richard Thomas (Kit Carson County), Jerry Mills (Teller County), Howard Pine (Douglas and Elbert Counties), and two secretaries, Dorothy Ann Spahn and Pat Flores. Monte Dunn would also become a deputy D.A. when Moyers resigned as Assistant D.A. and was replaced by Eckard. Robert L. Russel became a Deputy District Attorney in 1962.

Eckard and Walton would later become District Court and Municipal Court judges respectively. Walton would also be

defeated by Russel in the 1964 District Attorney's race. Wilder, Foutch and Ratner would all become successful private practitioners in Colorado Springs. All the lawyers in the D.A.'s Office were still part-time and Higby vocally opposed the growing movement in the legislature to require all deputy district attorneys to serve full-time.

Late in 1961, Don Higby hired an investigator, a former state patrolman named Richard Schnackenberg. "Snack," as he was affectionately known, traveled the entire six-county district for the D.A.'s office. He would eventually serve in numerous investigative roles and become an office legend. "Snack" served as a D.A. investigator for 31 years before his retirement in 1992, the longest tenure of any employee in the history of the 4th Judicial District Attorney's Office.

Don Higby resigned as District Attorney in August of 1963, three months before the assassination of President John F. Kennedy. He cited his need to give greater attention to his private law practice with Jerry Smith, but it soon became apparent that health was the real reason for his resignation. He died from cancer several months later.

Higby's widow, Betty, who stayed in Colorado Springs after his death, has remained active in Republican politics. She served as Director of the U.S. Mint in Denver during the Nixon Administration.

At the time Don Higby resigned, the Colorado law called for the 4th Judicial District Court Judges to pick his successor. Former Deputy District Attorney Patrick M. Hinton was chosen over at least two others who actively sought the post. Hinton was sworn in on September 20, 1963.

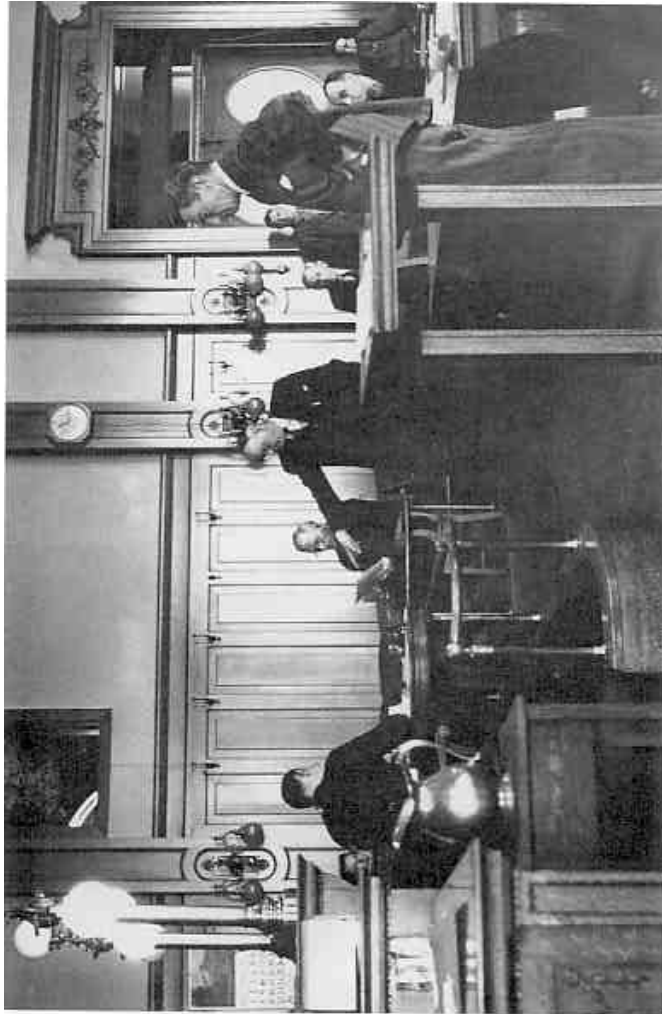
Born on October 19, 1917 in Cape Girardeau, Missouri, Pat Hinton earned a bachelor's degree in education from the University of Florida at Gainesville in 1938. He then became a high school teacher and athletic coach. During World War II, he was a pilot in the Pacific Theater and was awarded the Silver Star. After the war, Hinton gave up teaching and went to law school. He graduated from the University of Denver Law School in 1952 and came to Colorado Springs in 1954. He was hired as a Deputy District Attorney under James Quine.

After Quine's defeat in 1956, Hinton left the D.A.'s Office and set up a law partnership with another former deputy D.A., Hunter D. Hardeman. Hinton was 46 when he was appointed District Attorney in 1963. He chose not to run for election in 1964, opting instead to run for the District Court bench, thereby setting up a hotly contested Republican primary between two of his young deputies, Robert Russel and Norm Walton.

Hinton was elected District Judge in 1964. He remained on the bench until the day of his death, May 4, 1978. In fact, Hinton collapsed from a heart attack outside a jury room where a panel was debating the fate of a criminal defendant. He was survived by his wife, Wanda Lee, and three children, Elizabeth, Michael and Mark.

Hinton was the founder of the Big Brothers organization in Colorado Springs, was active in the American Legion, YMCA and the First Baptist Church.

While the 4th Judicial District, and El Paso County in particular, had experienced a significant, steady growth during the 88 years since statehood, such growth would pale in comparison to the population explosion of the next three decades. It would be a period in which Colorado Springs would become one of the 55 largest cities in America. This development would also bring about dramatic changes in the 4th Judicial District Attorney's Office.



District Attorney Irl Foard (standing center) and prominent defense attorney H.G. McGary (standing right) square off in a murder trial in 1948.  
*(Photo courtesy Irl Foard Estate)*



District Attorney Leo Rector (front right) helps law enforcement and FBI officers search for the body of kidnapped Adolph Coors III. The murder was later proven to have occurred in a county outside Rector's judicial district, so he did not prosecute the case.

*(Photo courtesy Leo Rector family)*



Willis L. Strachan, 1917-24



John C. Young, 1925-1931

*(Photos courtesy of Local History Dept. Penrose Public Library)*

## Chapter 5

### 1965-PRESENT: THE MODERN ERA

In August of 1964, a few months before the general election, two American destroyers patrolling the Gulf of Tonkin were shot at by North Vietnamese P.T. boats. The destroyers returned fire sinking the two boats, and on August 7 Congress passed the Gulf of Tonkin Resolution giving President Lyndon Johnson power "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." The Vietnam War had begun in earnest.

After Lyndon Johnson beat Barry Goldwater by a landslide in the November election, the war would become the focus and frustration of his Presidential term and of the next decade.

The 4th Judicial District Attorney's race in 1964 was a hard-fought Republican primary between Robert L. Russel -- who had served as a deputy under Rector, Higby and Hinton and as a local legal aid lawyer, and Norm Walton, who had also served in the office under Higby. Russel was a Republican activist, having served as chairman of Young Republicans and as campaign chairman for Congressman J. Edgar Chenoweth. Walton had the support of several prominent local attorneys including Ben Wendelken, who nominated him at the Republican Party's 4th Judicial District nominating convention. Russel won the primary by about a thousand votes and was not opposed by a Democrat in the general election.

Bob Russel was born December 27, 1929, in Kansas City, Missouri. He was adopted as an infant and attended elementary and high school in Missouri and Kansas. He graduated from high school in Salina, Kansas, where he achieved success as a wrestler and musician. He graduated from the University of Nebraska in 1951, then served as a military police officer during the Korean War

before attending and graduating from George Washington University Law School in 1956. He served as an attorney with the U.S. Department of Justice before moving to Colorado Springs in 1958. Russel and his wife, Gloria, had seven children.

Simultaneously to Russel taking office in January of 1965, the 4th Judicial District was reduced from six to four counties. Douglas and Elbert Counties were absorbed into the 18th Judicial District, leaving El Paso, Teller, Lincoln and Kit Carson Counties in the 4th Judicial District. Four years later it would be reduced in size again to its current configuration of El Paso and Teller Counties.

Russel moved the location of the District Attorney's Office from the Colorado Commercial Building to the fourth floor of the Independence Building at the southwest corner of Nevada and Pikes Peak. A Gazette Telegraph article appearing a few days before his swearing-in described other changes that were afoot:

"Robert L. Russel, who takes office Tuesday as District Attorney . . . has announced that Thomas D. Gresham will be Chief Deputy and Robert M. Isaac will be the Assistant District Attorney.

"El Paso County deputy district attorneys will be John R. Allen, Montell Dunn, Charles P. West, Robert Carvell and Reginald Thomas. Besides El Paso County, the district consists of Kit Carson County, to be handled by Richard Thomas of Burlington; Lincoln County, by Robert Safranek of Limon; and Teller County. Russel also announced that he has hired an investigator, Richard H. Schnackenberg . . ."

While Russel would be unopposed for re-election in 1968, his first eight years in office were tumultuous ones for law enforcement locally and throughout the country. Three factors were mainly responsible.

The first was the evolution, or perhaps revolution, that took place in the Constitutional jurisprudence of the United States Supreme Court. With the Warren Court decisions in *Mapp v. Ohio*, which gave courts the right to suppress evidence improperly obtained by the police, *Gideon v. Wainwright*, giving indigent defendants the right to court-appointed counsel, and several other decisions expanding the rights of criminal defendants, the District Attorney's Office faced the formidable task of helping to retrain police officers and others in the criminal justice system. Russel and his deputies greatly assisted in bringing local law enforcement into the modern era.

*Gideon v. Wainwright* would eventually lead to the creation of a statewide public defender system in about 1970. Prior to that, private attorneys were appointed by the court to represent indigent defendants. Within a couple of years the public defenders' office would represent the majority of defendants charged with serious offenses.

A second factor which had a profound influence on law enforcement in Colorado Springs between 1965 and the late 1970s was the Vietnam War. In the late 1960s Fort Carson became a way station for thousands of soldiers going to Vietnam and coming home. The result was a rash of crimes of a nature the local community had not previously experienced.

Prior to this time, the local "drug problem" was the occasional confiscation of a marijuana cigarette. But the late 1960s saw LSD and other potent drugs hit the Pikes Peak region, introduced both by soldiers returning from Vietnam and the "hippie" element that was mobilized to protest the war effort. Local tourist towns like Manitou Springs suffered greatly from the onslaught. During this period a spirit of close cooperation was developed between civilian and military law enforcement that has continued to the present day.

The third factor that made for times of upheaval involved the racial unrest that followed the passage of the Civil Rights Act of 1964. Violence was common throughout the country, and Colorado Springs was not exempt.

In one tense period not longer after the Watts Riot in Los Angeles in 1968, Russel moved his family out of the city for a short period because of threats made against him. The event that spurred the local unrest involved the slaying of a black Denver educator, Roosevelt Hill, Jr. by a gas station attendant who thought Hill was trying to rob him. The El Paso County Grand Jury returned a "no true" bill exonerating the defendant, leaving many minority activists in Colorado dissatisfied with the decision. There was also a series of fire bombings in Colorado Springs in the mid-1970's, allegedly motivated by racial unrest.

A fundamental change in the District Attorney's Office and the nature of prosecution in Colorado occurred during Russel's first term. The Colorado General Assembly, after many years of debate, passed a statute requiring all District Attorneys and their deputies

to be full-time and prohibited them from any private practice of law. This was a major shift in direction that had been resisted for several years by many of the state's D.A.s. It would also change the economics of D.A.'s offices.

Prior to this change, the District Attorney's salary was \$9,000. The Assistant D.A. was paid \$7,500, and the part time deputies made approximately \$500 per month. While most of the part-time deputies used the salary to supplement their private practice, many were unwilling to go full-time for a few hundred dollars more per month. The change prompted several veteran part-time deputies to leave the local office effective January of 1968, including Reggie Thomas, Tom Donovan, Cuba Holloway, Dan Moeller, and Don Campbell.

But this period of change also brought about a significant milestone. Russel hired the first woman deputy district attorney in the 90-year history of the 4th Judicial District. Ellen Chestnutt was initially hired in 1966 and went full time in 1968. She would remain with the office for 19 years, eventually serving as a Chief Deputy District Attorney in charge of the Welfare Fraud and Child Support Divisions.

Changes were afoot in the Colorado court system as well. In 1962 the voters had abolished the Justice of the Peace system and set higher qualifications for judges. In 1966 the voters approved a constitutional amendment calling for merit selection rather than popular election of judges. The so-called "Missouri Plan" was approved by a vote of 293,771 to 261,558.

In 1972 Bob Russel became the first 4th Judicial District Attorney to win a third term with a narrow victory over Democrat Dan Moeller, a former deputy under Russel who had left four years earlier. Russel was so impressed by the performance of a Moeller campaign aide, Johnny Arminante, that he put considerable effort into securing Arminante's support for his own future campaigns. In fact, Arminante became somewhat of a legend in local politics. If Johnny liked you, he was your friend for life, and he would personally deliver hundreds of votes through personal contacts with his many friends and acquaintances.

Despite widespread Republican losses due to the Watergate scandal, Russel would have an easier time when he ran for a fourth

term in 1976. The Democrats had a hotly contested primary race between Municipal Judge William Carew and a former public defender and Municipal Judge, Jim Bertagnolli. Carew won by 162 votes, only to lose to Russel by about 5,000 votes after a contentious general election race.

While the Vietnam War was beginning to wane in the mid-1970s, its impact on the Colorado Springs crime rate would only then reach its zenith, marked by two high profile murder cases.

In September of 1974, a heinous murder took place in a massage parlor in the southern part of downtown Colorado Springs. One Korean woman was shot, stabbed and burned to death, and another was left for dead but miraculously survived. A Fort Carson soldier was arrested and charged with the murder. Park Journee Estep had recently returned from Vietnam. He was a softspoken man deemed incapable of the crime by friends and neighbors. But Colorado Springs Police Detective Lou Smit painstakingly constructed a detailed circumstantial case against him. The trial also involved a highly controversial in-court identification of the defendant by the one survivor of the crime.

After an emotionally charged trial, the jury found Estep guilty. That set off a series of appeals and new trial motions that would embroil not only Russel but his successors Barney Iuppa and John Suthers as well, and would attract media attention throughout the nation.

In 1984, Florida death row inmate Ottis Toole allegedly confessed to the massage parlor killing. As it turned out, Toole confessed to hundreds of murders. But it wasn't until April of 1992, after over two months of hearings over a seven year period, that the trial court finally found Ottis Toole's confession incredible and denied Estep's final new trial motion. Detective Smit had developed conclusive evidence that Toole was in Jacksonville, Florida, on the day of the murder. By the time this longest murder case in Colorado history finally came to an end in 1992, Smit had retired from the C.S.P.D. and become a 4th Judicial District Attorney's investigator. Park Estep had been paroled from the Colorado State Penitentiary, having served over 17 years for the crime.

The mid-1970s also saw the most heinous series of murders in the 4th Judicial District's history. Two 18-year-old Fort Carson

soldiers, Freddie Glenn and Michael Corbett, led a small group of GIs who committed robberies on a regular basis. Unfortunately, they also conspired to kill any victim they believed might identify them. They killed five people over a two-month period, some in a particularly cruel manner. They executed a hotel cook after robbing him of \$1 and stabbed another man to death over a marijuana cigarette. Finally they kidnapped, raped and repeatedly stabbed a young waitress, Karen Grammer, and left her to die in an alley with a gunny sack over her head. She died after crawling several hundred feet and attempting to ring a doorbell for help.

In trials that were replete with sordid details that shocked the community, Corbett and Glenn were convicted of the multiple murders and sentenced to death. The Colorado Supreme Court subsequently invalidated the state's death penalty and the defendants were re-sentenced to consecutive life sentences. These were just two of several death penalty verdicts won by the office under Russel. But in each case, the appellate court subsequently invalidated the death penalty statute and none of the defendants were executed.

One case in which the jury did not give the death penalty was a 1982 murder case against Vernon Wayne Templeman for the killing of Colorado Springs Police Officer Mark Dabling, the most recent of nine C.S.P.D. officers to be killed in the line of duty. Dabling initiated a traffic stop and was shot when he walked up to Templeton's car. The case was moved to Denver because of pre-trial publicity. The change of venue may have saved Templeman from execution. The Denver jury convicted him of first degree murder but imposed a life sentence in lieu of the death penalty. A jury in conservative El Paso County may have been less likely to give such a reprieve. Templeman was subsequently convicted of yet another murder in Kentucky that had occurred before Dabling's murder. A street in the northern part of the city now bears the slain officer's name.

In the late 1970s Bob Russel was appointed as a special prosecutor for a murder case in Aspen. At the time it did not appear to be a particularly noteworthy case. A transient named Ted Bundy was accused of kidnapping and killing an attractive young nurse who was staying at a mountain motel during ski season. The case was a largely circumstantial one based on a variety of scientific tests.

Before the case got to trial, however, Bundy was convincingly linked with a series of murders in the Northwest, all of attractive young women. It then appeared that Russel may be prosecuting a serial killer. The case then took a bizarre twist when Bundy escaped through a duct in the roof of the law library in the aged Garfield County Courthouse.

Bundy would never come back to Colorado to face prosecution. After he escaped he fled to Florida where he committed at least three additional murders, including those of two Florida State sorority sisters. He was convicted and eventually executed for the Florida crimes and is now mentioned among America's most notorious serial killers.

In less horrifying matters, District Attorneys in Colorado have a statutory obligation to provide legal opinions to county officials who request them and to provide legal representation for county officers when necessary. That was a significant part of the work of the 4th Judicial District Attorney's Office during its first 90 years, until the growth of counties and their legal needs necessitated the hiring of County Attorneys to handle the bulk of such work.

But one civil case the District Attorney's Office did handle for El Paso County Clerk and Recorder Harriet Beals during the late 1960s involved an attack by local lawyer Richard Hall on the Colorado residency requirements for voter registration. The case went all the way to the United States Supreme Court where it was argued by Hall himself as plaintiff and by Chief Deputy D.A. Bernard Baker for the defendant Clerk and Recorder. But the highest Court felt that the case of *Hall v. Beals*, 396 U.S.45 (1965), was rendered moot by a change in Colorado law that occurred before the opinion was issued. Richard Hall subsequently became a County Court Judge and has been a 4th Judicial District Judge since 1978. The Hall case was one of only two cases handled by the office in contemporary times to reach the U.S. Supreme Court. The other, *Colorado v. Bannister* 449 U.S. 1 (1980), was a search and seizure case handled by Deputy District Attorney Tom Barnes and decided favorably to the prosecution on October 20, 1980.

The early 1970s saw two other significant events which impacted the District Attorney's Office. In 1971, Russel and several other of the state's 22 District Attorneys united to establish the Colorado District

Attorneys Association. A small full-time staff was hired to advance the interests of the state's prosecutors through training programs and legislative lobbying efforts. Former Fourth Judicial District Deputy D.A. Roger Allott became the association's first Executive Director. By 1977 the organization would be called the Colorado District Attorneys Council (CDAC) and would have statutory recognition as the organizational arm of the state's District Attorneys. The organization would become a major force in pursuing legislation to affect the law enforcement community and in training young prosecutors, who were now faced with the crime problems created by a rapidly expanding population.

Eventually all 22 District Attorneys in the state joined the Council and financially supported the organization. Russel and his successors, Barney Iuppa and John Suthers, would all serve as president of CDAC and be extremely active in the organization.

In July of 1971, 100 years after the early development of Colorado Springs, El Paso County dedicated a new courthouse. Chief Justice Edward Pringle of the Colorado Supreme Court was the principal speaker at the ceremony. Unlike its clock tower predecessor across Tejon Street, the new building at 27 E. Vermijo was built exclusively for the courts. All county offices, other than the Public Trustee, are located in other nearby buildings. Also unlike the typical construction of government buildings, the designers and funders of the building had some foresight concerning the growth of the community. The El Paso County Judicial Building contained 13 spacious courtrooms and court clerk's offices on the first three floors. The fourth and fifth floors remained unfinished for future expansion. They would not be entirely finished for another 22 years and it appears the building will meet the needs of the community until at least the beginning of the 21st century.

It was also a matter of foresight that one of the district courtrooms in the old courthouse, now the Pioneers Museum, has been restored to its original appearance as a place for law-related celebrations and ceremonies.

The 4th Judicial District Attorney's Office moved to the third floor of the new courthouse upon its completion and would remain there until the growth of the office, as well as the growth of the courts and their support services, would require it to move to a

newly renovated and acquired county building at 326 S. Tejon St. in 1984. The building was purchased by the county exclusively for use by the District Attorney's Office.

It was indeed growth that characterized Bob Russel's first four terms more than anything else. Colorado Springs was experiencing explosive population growth and the District Attorney's Office grew in response. What had been an office of a dozen or so employees in 1965 -- most of them part-time lawyers -- by 1980 had grown into an office with more than 120 full-time employees. In addition, the nature of law enforcement and prosecution had changed dramatically, requiring the development of new ways of doing business. The 4th Judicial District Attorney's Office was at the forefront of innovation in the nation.

In the early 1970s the major law enforcement agencies of the 4th Judicial District formed a joint task force to address problems dealing with vice, narcotics and intelligence gathering. Each of the agencies contributed manpower and resources to "Metro VNI" and the unit continues to operate on a district-wide basis. It is a method of policing that would be adopted in many other urban areas over the next two decades. Metro VNI has operated with success over the years with strong legal advice and direction from the District Attorney's Office.

During the 1970s Bob Russel also developed a sizeable investigative unit in the D.A.'s Office itself to assist in case preparation, provide assistance to rural police agencies in the district, assist in grand jury investigations, and conduct specialized investigations in matters ranging from alleged police misconduct to consumer fraud. Ed Rodgers, former special agent in charge of the Colorado Springs FBI office, became the first chief investigator in 1967. He was succeeded by Gary "Hoss" Thompson in 1983, followed by Otis Kirkbride in 1989 and Larry Martin in 1994. Many D.A. investigators, including Kirkbride, Gene Stokes, Joe O'Donnell, Tom Kosley, Ray Mays, Earl Aldrich and Lou Smit have been former C.S.P.D. detectives. Some, including Gene Welch, a 22-year veteran in the Economic Crime Division, have acquired considerable expertise in specialized areas of the law. Jeannie Brooks became the first female investigator in the office in 1974.

In 1973 the D.A.'s Office conducted a lengthy grand jury investigation into the alleged failure of the El Paso County Department of Social Services to adequately investigate welfare fraud. The report eventually issued by the county grand jury led to the formation of a Welfare Fraud Unit in the D.A.'s Office. The unit would change structurally over the years as a result of various government programs and contractual arrangements and would eventually become part of the Economic Crime Division in 1989. Two longtime D.A. employees, Gloria Russel and investigator Ida Henderson, have been instrumental in the work of that unit.

In 1973 Bob Russel created the Economic Crime Division to specialize in the investigation and prosecution of white collar crime and consumer fraud. Deputy D.A. Bud Baker was chosen to set up the unit, initially called the Consumer Affairs Division. The lawyers and investigators who were assigned to the unit quickly gained expertise and almost immediately the unit earned a reputation for its effective consumer protection. Members of the Economic Crime Division have actively participated in the fashioning of statewide consumer protection legislation, including the Colorado Consumer Protection Act.

After Bud Baker was appointed by Governor Richard Lamm as a 4th Judicial District Court Judge, he was succeeded as the chief deputy in charge of the Economic Crime Division by Edward Arcuri. John Suthers, Royal Martin and David Zook have also served as chief deputies in charge of the division, Zook continuously since 1981 except for one year in the 1980s in which Martin was in charge. Over the years, fraud cases handled by the Economic Crime Division have ranged from Ponzi schemes to pigeon drops and have sometimes involved creative undercover investigative techniques. White collar cases ranging from embezzlement to securities fraud have often involved millions of dollars and been the subject of national news coverage, including the Wall Street Journal.

Investigators Gene Welch, John Kramer and Vicki Nelson, Deputy D.A. Lovice Riffe, and Administrative Assistant Mary Ann Mann are all longtime employees of the Economic Crime Division who have contributed greatly to its expertise and success.

In 1980 John Suthers and Deputy D.A. Gary Shupp wrote a nationally published book entitled "Fraud and Deceit," in which

they detailed about 60 of the scams encountered by the division over the preceding several years.

In 1977 the District Attorney's Office combined with the Colorado Springs Police Department and the El Paso County Sheriff's Office to form a regional Check Fraud Unit, developing a system by which merchants and other citizens could bring bad checks they had received to the Unit for systematic processing and prosecution. The D.A.'s Office supplies legal, clerical and administrative support to detectives who are provided by the police agencies. The unit, an organizational component of the Economic Crime Division, has collected millions of dollars in restitution over the years for victims of bad checks. D.A. employee Kim Cook has been with the Check Fraud Unit since 1979, and Kathleen O'Neill has been in the Unit since 1987.

The Economic Crime Division has also done the bulk of the civil work of the D.A.'s Office in the last 20 years, including representation of agencies like the County Health Department, County Assessor and the Colorado Department of Revenue, Motor Vehicle Division, as well as representing the office itself as a civil litigant.

In 1974, in response to the growth of the community and the burgeoning juvenile case load, Bob Russel started the Juvenile Diversion Program for first-time non-violent juvenile offenders. The idea was conceived by Russel and Chief Deputy D.A. Tyler Makepeace, who then headed the Juvenile Division, over lunch one day. The concept was to divert such offenders from the clogged court system and deal with them quickly and effectively. The emphasis was to be on early intervention and accountability. Under the terms of the Diversion Program, a child and his parents or guardians enter a contract with the D.A.'s Office. In exchange for diverting the case from court and thereby avoiding a criminal record, the juvenile agrees to successfully complete the contractual obligation. This typically includes restitution to victims, and referrals to individual or group counseling, depending upon the nature of the offense. Experts, including Dr. Del Elliott of the University of Colorado, were consulted in the initial design of the Juvenile Diversion Program and within a few years the pioneer project had become a national model. Directors of the program have included Andy De'Ambrosio from 1974-79; Lorreen George

from 1978-83; Chris McKee-Rice from 1983-87; and Rebecca Stocker since 1987. Referrals to the division have ranged from 498 to 1,036 per year.

Because of the growing number of juvenile sex offenses in the 1980s, a separate diversion component called the Juvenile Sex Offenders Program (JSOP) was established in 1987, modeled after the Stop Incest Program that had been established in the community several years earlier.

Bob Russel was also instrumental in starting the CHINS-UP youth residential treatment program in Colorado Springs. CHINS-UP is now a non-profit corporation that provides a variety of services to delinquent youth as well as youth involved in dependency and neglect cases.

The Juvenile Diversion Program was greatly enhanced by the addition of yet another component called SHAPE-UP (Showing How A Prison Experience Undermines People) in 1979. Inspired by a program on the Eastern Seaboard called "Scared Straight," the Colorado District Attorneys Council began sponsorship of trips by male juveniles to the Territorial Prison in Canon City. Fourth Judicial District Deputy D.A. Tom Barnes was very involved in the organizational work. Referred by both the D.A.'s Juvenile Diversion Program and Juvenile Court Probation, the youthful offenders take two day-long trips to the prison facility. They meet with carefully selected and trained inmates. They get an eye-opening firsthand view of prison life and learn about the possible consequences of making further bad choices. On the second trip they are accompanied by parents or a guardian. The trip ends with an often emotional interchange between inmate, child and parent which has sometimes changed the course of deteriorating parent-child relationships.

The 4th Judicial District Attorney's Office has been committed to SHAPE-UP since its inception, bringing far more kids into the program than any other judicial district in the state. Russel assigned employee Kathy Butterfield to help organize the program. But since 1983 the local SHAPE-UP Program has been run almost exclusively through volunteer help. Two D.A. volunteers, Pat and Marcia Murphy, retired educators, have made SHAPE-UP their second career, putting in more than 15,000 volunteer hours since 1983. In 1992 the Murphys were instrumental in the start-up of a SHAPE-UP Program for girls through

the Women's Prison in Canon City. That same year the Murphys were awarded the El Paso County Bar Association's prestigious Liberty Bell Award in recognition of their volunteer efforts in SHAPE-UP. They were recognized with a national "Points of Light" citation from the White House in 1994. They have been helped by many longterm volunteer drivers, including Bob DeMarce and Bill and Barb Brandenburg, as well as Volunteer Coordinator Liane Shupp.

The D.A.'s Juvenile Diversion Program continues to be one of the most successful in the country. It is characterized by low recidivism rates and has ably served thousands of juveniles throughout the community.

In 1975, a whole new area of endeavor was added to the District Attorney's Office. With changes in federal law regarding the collection of child support, the D.A.'s Office contractually assumed from the El Paso County Department of Social Services the responsibility for enforcement of child support obligations. Deputy D.A. Ellen Chestnut was put in charge of the new division.

The Child Support Division establishes paternity when necessary, and seeks to establish and enforce court orders against non-custodial parents, thereby recouping public assistance paid to support the child, as well as to enforce court orders which benefit non-welfare children, when requested by the custodial parent. The division seeks support for children living in El Paso County and for children who live elsewhere, when a parent who has a support obligation resides in El Paso County.

Although social trends have made the division's work incredibly voluminous and demanding, the 4th Judicial District Attorney's Child Support Division has traditionally been regarded as the most effective child support enforcement agency in Colorado. Its annual collections have grown from approximately \$250,000 in its first year to over \$9.4 million in 1993. The result has not only been the saving of significant public assistance dollars but also the receipt of millions of dollars in direct reimbursements and incentives by El Paso County.

Ellen Chestnut was succeeded as the head of the Child Support Division by Marcie Gouge in 1985 and Jann DuBois in 1990.

The 1970s also saw the growth of alternative dispute resolution, and the District Attorney's Office became an innovator

in that area also. The concept of a Neighborhood Justice Center (NJC) was first presented to the El Paso County Criminal Justice Advisory Committee by a local peace officer who had visited such a center in Kansas City. A committee was formed to design a model for implementation in the Pikes Peak region. The concept was to establish a mediation forum for resolution of minor disputes which were not effectively dealt with by the courts, but which nevertheless took up considerable court time.

Cases were referred by prosecution agencies to be heard by trained mediators receiving nominal hourly compensation. If the case could not be successfully mediated, it would be referred back to the prosecution agency for possible court intervention. With the assistance of criminal justice planner and attorney Ken Jaray, a proposal was developed and approved in 1979 which included initial funding of \$75,000 from a federal grant and \$8,300 from the D.A.'s Office. Under the direction of Jaray, a space was rented at 11 E. Vermijo and prospective mediators were screened and trained during the fall of 1979.

The new Neighborhood Justice Center officially opened in January of 1980. The first director was the late Tom McCardle, who served in that capacity until August 1, 1981. The center became a nonprofit organization governed by a community board which included many prominent local citizens. Management and supervisory services were provided by the District Attorney's Office. With the loss of federal funding, the El Pomar Foundation awarded a grant of \$30,000 for the 1981-82 fiscal year. Thereafter total financial support has been provided by the D.A.'s Office with the help of an annual contract with the City of Colorado Springs. Under the city contract, N.J.C. mediates cases referred from the Municipal Court and assists in the resolution of landlord-tenant disputes within the city.

In May of 1986, the nonprofit corporation was dissolved and the Neighborhood Justice Center officially came under the umbrella of the District Attorney's Office.

Upon the departure of Tom McCardle as director of N.J.C. in August of 1981, Allyn Singer held the job until September 1, 1983. Jane Shaw then served as director until her retirement in February of 1987, at which time Nancy Christianson became the director.

The Neighborhood Justice Center office remained at the Vermijo address until the fall of 1984 when it joined the District Attorney's Office at its new facility at 326 S. Tejon.

In 1980 Bob Russel's attempt to secure a fifth term in office was challenged by a 32-year-old former public defender, Barney Iuppa. Iuppa campaigned aggressively, arguing that Russel had been in office too long and that it was "time for a change." After a hard-fought race, Russel won by almost 12,000 votes. Four years later the general election would feature the same two candidates, the same margin of victory, but a different winner.

For the first time in 20 years, Russel was challenged by a fellow Republican in the 1984 primary. Former Chief Deputy District Attorney, Ed Arcuri, who had headed the Economic Crime Division, took Russel on at the urging of some Republican Party activists. Jim Campbell, who subsequently became an El Paso County Commissioner, managed Arcuri's campaign. The race split the Republican Party faithful down the middle. Russel was nominated at the 1984 Republican nominating assembly by former Chief Deputy John Suthers, and managed to secure the top line on the primary ballot by a slim margin. Arcuri was nominated by former Deputy D.A. Tony Johnson. In the primary election itself, Russel won by a razor thin margin. But the wounds were not easily healed. In the general election many disaffected Republicans went to the other side. Russel's reelection effort was further affected by a blitz of unfavorable media coverage including an untimely drunk driving offense involving his Chief Assistant. The cumulative result was the first victory for the Democrats since 1956. Barney Iuppa was elected with 65,870 votes to Russel's 53,447.

When Robert Russel left office in January 1985 after 20 years as 4th Judicial District Attorney, he could look back on two decades of dramatic change in the community and in law enforcement. The District Attorney's Office had also changed dramatically in order to meet the needs of the community. But perhaps Russel's greatest legacy to the community resulted from his acumen as a talent scout.

In the course of his five terms as D.A., Russel hired dozens of lawyers who not only performed admirably while in the office, but went on to considerable success afterward, some in public positions.

Assistant District Attorneys under Russel included Robert Isaac, Tom Gresham, Jack Allen, Bill Hybl, Elvin Gentry, Charles Heim, Ron Rowan, Milt Blakey and George Vahsholtz. Isaac became Mayor of Colorado Springs. Hybl became a state legislator, chairman and trustee of the El Pomar Foundation and president of the United States Olympic Committee. Heim became a County Commissioner and a state legislator. Rowan became general counsel to the U.S. Olympic Committee. Blakey became District Attorney of the 9th Judicial District based in Aspen. Gresham and Gentry became prominent private practitioners. In subsequent years, Gentry would defend some of the judicial district's most high-profile criminal cases.

Among Russel's Chief Deputy District Attorneys were Alan Spurgeon, Tom Henley, Peter Susemihl, Bud Baker, Jerry Nelson, Carrol Multz, Gary Shupp, Tyler Makepeace and John Suthers. Susemihl would serve as City Councilman, Colorado State Senator and become a prominent private practitioner. Baker and Nelson would be appointed to the bench. Shupp would become an El Paso County Attorney and serve two terms as a County Commissioner. Multz would become District Attorney of the 14th Judicial District based in Steamboat Springs. Henley would become one of the finest domestic relations lawyers in the community. Alan Spurgeon would serve as an assistant U.S. Attorney and be regarded as one of the community's finest civil litigators before his untimely death at an early age from cancer. Makepeace, who headed the Juvenile Division, would remain a tireless community advocate for child protection. Suthers would himself be elected 4th Judicial District Attorney in 1988.

Deputy District Attorneys under Russel included lawyers like Steve Pelican, Jim Franklin, Don Campbell, Jim Patterson, B.J. Fett, Ken Kramer, and Chuck Berry. Campbell, Franklin and Pelican would become 4th Judicial District Court Judges. Patterson would become an El Paso County Court Judge and Fett a Colorado Springs Municipal Court Judge. Ken Kramer would become a state legislator and then serve three terms as the U.S. Congressman from the 5th Congressional District. Chuck Berry would become El Paso County Attorney, a Colorado State Representative and eventually Speaker of the Colorado House of Representatives. Other former Deputy District Attorneys under Russel who would become notable private practitioners include Ned O'Brien, Jack Foutch, Cuba

Holloway, Bill Kirkman, Ron Crowder, Steve Ezell, Greg Johnson, Robert K. Jones, Gary Lawyer, Tony Johnson, Newman McAllister, Tom Donovan, John Patrick Michael Murphy, Steve Price, Cindy Pring, Mark Rhue, Lee Rosenbaum, Lance Sears, Jon Thomas, Reggie Thomas, Jeff Wheeler, Robert LaBree, Dennis Lambrecht, Hal Lohse, Colins McLean, Terry Perlet, Doug Weddell, Tom Barton, Tom Kennedy and Denis Lane.

When Barney Iuppa assumed office in January of 1985, he immediately set about making his own imprint on the District Attorney's Office. Iuppa was born November 28, 1948, in Trinidad, Colorado. He excelled as an undergraduate at the University of Denver and at the DU Law School, graduating in 1973. He served as a deputy state public defender in the Colorado Springs office from 1973 to 1976 before entering private practice. He was active in several community organizations before his election.

Upon taking office, Iuppa appointed former Deputy District Attorney Jon Toof as his Assistant District Attorney. He would be replaced in 1986 by Chief Deputy District Attorney Royal Martin. Former Deputy D.A. Bob Brown also returned to the office as Iuppa's Chief Trial Deputy.

Iuppa's term as District Attorney would include several high-profile cases, and two sensational murder cases would remain unsolved. On Valentine's Day 1985, a young mother named Cassandra Rundell, and her two children were found brutally murdered in their home. Then in 1986, Barbara Freyshlag, the wife of the executive director of the Colorado Springs Chamber of Commerce, was murdered in her home. Both cases remain open.

In 1987, Colorado State Trooper Charles Frye, who was standing along the side of Interstate 25, was killed by a drunk driver. This high-profile case was successfully prosecuted.

In 1988 a young woman named Maritza Rentz would kidnap a baby and convince her husband that she had been pregnant and given birth to the child. The case would later be the subject of a made-for-TV movie called "Baby Snatcher."

During Iuppa's term, the D.A.'s Office established two new adult diversion programs. A Child Abuse Diversion Program and a Domestic Violence Diversion Program were established for

first-time misdemeanor defendants in an attempt to effectively intervene in the cycle of violence before it escalated. Rebecca Stocker was instrumental in the design of both programs and would supervise them along with the Juvenile Diversion Program.

Iuppa also worked hard to establish the Children's Advocacy Center, a facility where young abuse victims would be interviewed in the least traumatic fashion possible and which could act as a centralized location for child protection efforts. The center opened in 1988 and would operate until January of 1992. It then closed due to cuts in the D.A.'s budget only to be resurrected as a result of a broad effort of the law enforcement and child protection community in 1994.

Iuppa was active in the Colorado District Attorneys Council and served one year as its president.

In the 1988 general election Iuppa was challenged by former Chief Deputy D.A. John Suthers. Both were unopposed in the primary election. Because there weren't many races of local import that year the District Attorney race was the main focus of attention. The hard fought campaign included over a dozen head-to-head debates, including one shown on primetime television. Suthers goal was to win back the Republican voters who had abandoned Russel in 1984. He succeeded, garnering 77,000 votes, 54 percent of those cast.

Barney Iuppa returned to private practice in 1989, joining his Assistant D.A. Royal Martin and his former law partner Frank Simons to form a new law firm.

John Suthers is a lifetime resident of Colorado Springs. Thirty-seven years old when elected, Suthers graduated from St. Mary's High School in 1970 and from the University of Notre Dame in 1974. He graduated from the University of Colorado Law School in 1977 and was admitted to the Colorado Bar the same year. He joined the 4th Judicial District Attorney's Office in October of 1977, and over the next three-and-one-half years he worked as a Deputy D.A., then Chief Deputy in charge of the Economic Crime Division.

In early 1981 Suthers left the D.A.'s Office to enter private practice. He became a litigation partner in the firm of Sparks, Dix,

Enoch and Suthers. He remained with the firm until he was elected District Attorney in November 1988. Suthers has served as trustee and president of the El Paso County Bar Association, on the Colorado Bar Association Board of Governors, and on the executive committee of the Colorado District Attorneys Council. In September of 1994 he was elected president of CDAC. He also serves as one of six Colorado delegates to the National Conference on Uniform State Laws, having been appointed to the conference by the Colorado General Assembly in 1993.

When Suthers took office in January of 1989, he appointed Jeanne Smith as Assistant District Attorney and Linda McMahon as a Chief Deputy District Attorney. The appointment of Smith, who had been in the office since 1982, to the number two job in the office was reflective of the increasing role of women attorneys in prosecution. Since Ellen Chestnutt became the first female deputy in 1966, the number of women on the legal staff of the D.A.'s Office had gradually increased. During Suthers' tenure, women attorneys have constituted approximately 40 percent of the attorneys in the office.

In fulfillment of a campaign promise, Suthers immediately began a Crimes Against Children Unit in the D.A.'s Office in which two lawyers were assigned full time to the filing and prosecution of child abuse cases, including sexual assault on a child. The change greatly increased the expertise applied to such cases and significantly improved the results of these difficult prosecutions. Chief Deputy D.A. Bill Aspinwall started the unit, to be succeeded by Deputy D.A. Kim Kitchen as its head.

Suthers' first term in office was marked by several high-profile murder cases. In September of 1990, a young mother named Diane Hood was shot and killed by a masked gunman as she left a Lupus Support meeting at a local community center. What first appeared to be a robbery unravelled to be a complex murder plot. Hood's husband, Brian, a well known insurance agent, was eventually charged with conspiring with his lover, Jennifer Reali, to kill his wife. Reali, herself a military wife and mother of two, was charged with being the masked murderer. The separate trials of Hood and Reali were moved outside of Colorado Springs because of pretrial publicity and the sordid details of sex, religion and

murder mesmerized the entire state. Reali was convicted of First Degree Murder and sentenced to life in prison. Hood was convicted of Conspiracy and Solicitation to Commit First Degree Murder and received a 39-year sentence.

The following year, a young Fort Carson soldier named Lane Schmidtke was kicked to death on the corner of Pikes Peak and Nevada, one of the city's busiest intersections. Five teenagers were charged with the murder. Four went to trial and all would be convicted in adult court of charges ranging from Second Degree Murder to Criminally Negligent Homicide. The highly publicized case focused the community's attention on the alarming problem of increasing juvenile violence.

A third case in 1991 involved an El Paso County Sheriff's deputy, Hugh Martin, who was killed in a no-knock drug raid. Martin was the first Sheriff's deputy to be killed in the line of duty in many years. His killer was sentenced to life in prison.

Before 1989 a relatively new testing procedure called DNA fingerprinting had not yet been used in a forensic context in Colorado. During Suthers' term the use of DNA evidence in the courts of the 4th Judicial District became generally accepted. It was used in the prosecution of several cases including two high-profile cases against serial rapists.

By 1988 the war against drugs and changes in legislation in Colorado had resulted in the District Attorney's Office fine-tuning the Asset Forfeiture Unit that operated in conjunction with the Metro VNI unit. The function of the Unit is to seize assets used in illegal activities. Previously, asset forfeiture had been done only on a sporadic basis. By 1989 the Asset Forfeiture Unit, under the direction of Deputy D.A. Doug Price, was seizing and forfeiting approximately \$500,000 in assets per year. Deputy D.A. Pat Kelly took over the unit when Doug Price went into private practice in 1992. A board, consisting of the Colorado Springs Police Chief, the El Paso County and Teller County Sheriffs and the District Attorney, is responsible for reinvesting the proceeds from asset forfeiture for police training and equipment, and for such community programs as Crime Stoppers and DARE (Drug Abuse Resistance Education), a school-based drug education program.

As District Attorney, John Suthers devoted considerable time and effort to affect changes in the judicial system. Both as D.A. and as president of the El Paso County Bar Association, he successfully lobbied Colorado legislators for the addition of two District Court Judges and a Juvenile Magistrate. As chairman of the District Attorney Council's Legislative Committee for three years, he was instrumental in securing a fairly dramatic overhaul of the state's juvenile justice system to allow direct filing in adult court against violent juvenile offenders and imposition of longer periods of incarceration for such offenders. He also helped design a new Youth Offender System within the Department of Corrections.

Yet another variable emerged to impact local law enforcement in the 1990s. In the general election of 1990, the voters of Colorado approved legalized limited stakes gambling in three rustic mining towns, including Cripple Creek in Teller County as well as Blackhawk and Central City nearer to Denver. It was the first time that casino gambling had been legal in the 4th Judicial District for almost a century. In preparation for gaming, which officially began in October of 1991, the law enforcement agencies of the 4th Judicial District, including the D.A.'s Office, formed an intelligence unit to combat the influence of organized crime and undesirable persons on the fledgling industry. The increase in the criminal case load in Teller County caused by gaming, the crowds it attracted to Cripple Creek and the general growth of the county prompted the D.A.'s Office to open a full-time office in the Teller County Courthouse for the first time in approximately 80 years. During those quieter years, Deputy District Attorneys assigned to Teller County had operated out of the Colorado Springs office.

In 1991, the growth of the Child Support Division necessitated its move out of the main D.A.'s Office at 326 S. Tejon. The division, consisting of 38 employees including four lawyers, is now housed in the Professional Building at 105 E. Vermijo. In 1993 the Check Fraud and Asset Forfeiture Units moved to the newly completed Colorado Springs Police Operations Center on South Nevada.

Victims' rights have long been a concern of the 4th Judicial District Attorney's Office. A Victim-Witness Division was first begun by Bob Russel in 1980, with Mike Wakefield as its director. The Colorado Crime Victims Compensation Act was passed in

1981 and funds began to be awarded to victims in 1982 by local boards appointed by the District Attorney. The victim compensation funds come from surcharges on fines paid by defendants. Kathy Butterfield was the first D.A. employee to administer the Victim Compensation Program. Dick Peterson and Carolyn Cockrell succeeded Mike Wakefield, and Irene Kornelli served as director of the Victim-Witness Division under Barney Iuppa. John Suthers appointed longtime D.A. employee L'Ann Seibel to the position in 1989. The ensuing years have seen a considerable expansion of the rights of crime victims.

In November of 1992 Colorado voters approved a Victims' Bill of Rights Amendment to the State Constitution, and through enabling legislation, extended various rights to victims in addition to those already existing. This culminated a 12-year process. Prosecution offices had gradually transformed their procedures to more effectively involve victims in the court system and to mitigate the trauma they experience. The Victim-Witness Division now includes six employees who compile and review victim impact statements, assist in the collection of restitution, notify victims of important court hearings, serve as victim advocates, and administer the payment of over \$500,000 per year in victim compensation awards and over \$500,000 per year in assistance grants to victims' assistance groups and law enforcement agencies.

John Suthers was re-elected to a second term as District Attorney with no opposition in the general election of 1992. Jeanne Smith remained as Assistant District Attorney. Dan May, a ten-year veteran of the office, had become the Chief Trial Deputy when Linda McMahon joined the U.S. Attorney's office in 1991, and Doug Miles was appointed Chief Deputy in charge of the expanding County Court Unit.

As the 4th Judicial District Attorney's Office approached its 120th anniversary, things had indeed changed dramatically since the days of Columbus Burris. The 4th Judicial District now consists of approximately 430,000 people, about 13 percent of the state's population. The District Attorney's Office now consists of approximately 152 full-time employees, including 43 attorneys. The total office budget is well in excess of \$5 million, a far cry from less than \$4,000 that Burris had to work with. The office is prosecuting approximately 3,200 felony cases per year and 36,000 misdemeanor

and serious traffic cases, including over 4,000 DUI cases annually. The Juvenile Prosecution Division also handles over 3,000 cases per year.

The Economic Crime Division of the D.A.'s Office deals with about 1,300 written complaints a year and obtains restitution orders exceeding a million dollars every year. The Check Fraud Unit handles between 6,000 and 7,000 bad checks per year. As a whole, the District Attorney's Office returns about \$15 million per year to the residents of El Paso and Teller Counties.

The Child Support Division remains the best performing support enforcement unit in Colorado, collecting in excess of \$9.5 million in unpaid child support annually and returning about \$2 million in reimbursements and incentives to El Paso County each year.

The Volunteer Program in the D.A.'s Office, under the direction of Liane Shupp, continues to flourish. Each year approximately 100 volunteers contribute 10,000 hours to various office programs. The Volunteer Program reached a high water mark in 1992 when 12-year volunteer Pauline Cox received a prestigious national court system volunteer award. Cox joined Pat and Marcia Murphy as volunteers who have put in over 10,000 hours.

D.A.'s Office employees also spend about 500 hours per year in the community, talking to schools, service clubs, and law enforcement groups about criminal justice issues.

As the District Attorney's Office has grown and been able to establish a respectable wage and benefit package, it has become a place where more people have chosen to dedicate their careers to the prosecution function. Their dedication deserves special recognition. At present over two dozen past and present employees have worked for the office for 15 years or more.

Attorneys Dave Zook and Bill Aspinwall have each been with the office more than 20 years. Zook has headed the Economic Crime Division since 1981. Aspinwall has tried over two dozen murder cases during his tenure. Other long standing Deputy District Attorneys include Carol Matoush, Robert Harward, Lovice Riffe and Dan Zook. Investigators with more than 15 years of service include Gene Welch, Ida Henderson, Larry Martin, Micah Rasner and Vicki Nelson. Staff members with 15 years of service or more

include Mary Ann Mann, Economic Crime Division; Carolyn Cockrell, office manager; Kim Cook, Check Fraud Division; Carolyn Frasier, District Court filing paralegal; Dena Peck, Juvenile Prosecution; and L'Ann Seibel, Victim-Witness director. Retired employees with 15 years or more of service include Ellie Myers and Karen Henderson, administrative secretaries; Jim Gross, Ed Rodgers, and Richard Schnackenburg, investigators; Fran Anderson, Economic Crime; Geraldine Kegin, Child Support; Gloria Russel, Welfare Fraud; and the late Sue Bretag, who worked as a paralegal for 20 years before her death from cancer in 1986.

The 4th Judicial District Attorney's Office will continue to grow as the population of the judicial district grows. And the demands on the office will inevitably increase. But public service-minded lawyers will undoubtedly continue to step forward to serve the residents of El Paso and Teller Counties as public prosecutors. And in the decades to come, hundreds more people will take their turn in performing the essential work of the District Attorney's Office. Hopefully they will be as dedicated and capable as those who have worked so diligently for the past 120 years . . . on behalf of the people.



Photo from the late 1970s shows district Attorney Robert L. Russel (front center) with many of his employees who had just received a paralegal education certificate.  
(Photo courtesy Mary Ann Mann, D.A. employee)



Robert L. Russel  
1965-1984

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**DISTRICT ATTORNEYS OF COLORADO'S  
4TH JUDICIAL DISTRICT**

Columbus W. Burris.....	1876-81
William Ballinger .....	1881-82
Charles A. Wilkin.....	1882-85
Charles S. Libby.....	1885-93
John B. Cochran .....	1893-95
Henry M. Blackmer.....	1895-98
Henry McAllister, Jr.....	1898-1900
Henry Trowbridge.....	1901-05, 1908
Clarence Clark Hamlin .....	1905-08
Joseph E. Ferguson.....	1909-13
Michael W. Purcell.....	1913-17
Willis L. Strachan.....	1917-25
John C. Young.....	1925-31
John M. Miekle .....	1931-32
Clyde L. Starett.....	1933-40
Thomas J. Purcell.....	1940-41
Irl Foard .....	1941-49
James F. Quine.....	1949-57
Leo Rector.....	1957-61
Donald W. Higby .....	1961-63
Patrick M. Hinton .....	1963-65
Robert L. Russel.....	1965-85
Barney Iuppa .....	1985-89
John W. Suthers.....	1989-