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Defense lawyers for kidnap-slayer Burton Abbott (third from left) got a stay of execution—minutes too late.



Death Row (Continued)

"new evidence" to back up their claims. Nowadays, abolitionists are citing two incidents which almost led California to outlaw the death penalty.

On March 15, 1957, kidnap-murderer Burton Abbott was strapped in the San Quentin death chamber, and cyanide pellets were dropped in sulphuric acid to create a poisonous gas.

At the same time, the secretary for Gov. Goodwin Knight was frantically trying to reach Warden Harley O. Teets. The governor had granted a short stay of execution so lawyers could appeal to a higher court.

The call arrived two minutes too late. Abbott could not be rescued from the gas chamber without endangering the lives of spectators and attendants. Those opposed to capital punishment seized on the incident to declare a man had been deprived of his last resort to law by a penalty that should be reserved for God alone.

Still, they added, compared to Barbara Graham, Abbott may have been lucky. The California murderer twice got last-minute reprieves, once after being strapped in the death chair. Eventually Barbara Graham was executed. Nobody questioned her guilt, but the frightening way she paid for her crime was used to fight the state's death penalty.

The California assembly did pass a six-year moratorium on the death penalty, but the bill was pigeon-holed in a senate committee. Nevertheless, capital punishment opponents say they gained new ground in discrediting legalized killings in a state which ranked sixth in the number of executions in 1956.

THE STRONGEST ARGUMENT on behalf of capital punishment is that its severity will deter felons from murder or criminal attacks. Police officers contend that abandoning the death penalty, as six states and many foreign countries have done, strips "mad dog" killers of their last restraint and makes law enforcement more hazardous.

Opponents offer crime statistics to disprove this contention. The figures show that the six states which have abolished or restricted the death penalty have homicide rates substantially below the national average of 5.5 for 100,000 population.

The Michigan rate is 3.9, Wisconsin 1.3, North Dakota 1.3, Maine 1.2, Minnesota 1.1, and Rhode Island .4.

On the other hand, such states as Georgia, Alabama, and Florida, which usually lead the nation in carrying out the death penalty, have homicide rates at least double that of the national average.

The statistics don't mean a state can cut its homicide rate by outlawing the death penalty, say abolitionists. But they maintain the figures disprove any correlation between capital punishment and respect for human life.

Many crime experts agree with them on this point. Clinton T. Duffy, who as warden of San Quentin witnessed 150 executions, says he never met a felon who gave a thought to punishment, death or otherwise, while committing his crimes.

Advocates of the death penalty have a reply, of course. They tell how the state of Washington abol-

ished capital punishment in 1913. In the six following years, officials reported that capital crimes rose strikingly, and they advocated reinstating the death penalty.

The legislature hesitated until a murderer boasted that the worst the state could do to him was to provide free room and board for the rest of his life. Intense public reaction impelled lawmakers to put capital punishment back in effect.

AMONG ALL the free world powers, only France and the United States still retain the death penalty.

Great Britain, which only 150 years ago hanged a 13-year-old boy for stealing a spoon, recently called a moratorium on the death penalty in most cases while experts studied its merits and shortcomings.

One of the most famous of modern crimes contributed to agitation against England's traditional hanging. In 1950 Timothy Evans was arrested for the murder of his wife and child. He denied the crimes and accused his neighbor, John Christie. The latter testified against Evans, and the courts believed the mild-mannered neighbor. Evans went to the gallows protesting his innocence to the last.

Three years later new tenants in Christie's flat tore open a wall and found the bodies of six women whom Christie had lured to his home and murdered. Christie himself was hanged, but for Timothy Evans justice came too late.

In the Christie-Evans tragedy, abolitionists found a new point. Not only is capital punishment barbaric and valueless, they said, but it can result in irreparable injustice for which the entire community is responsible.

Prison officials opposed to capital punishment cite another kind of injustice characteristic of many "Death Rows." Most of the inmates are poor and ignorant. They can't afford expert legal aid and are too unschooled to avail themselves of anything but the most meager protections of the law.

Smarter, richer murderers usually "beat the death rap," and criminologists cite specific cases from the famed Leopold-Loeb trial to modern gangland slayings where high-priced legal talent averted a death penalty.

Such arguments seem to have little effect on the public, however. A newspaper survey in the United States found that 68 percent of those polled favored capital punishment, 7 percent were undecided, and only 25 percent were against it.

Compromise may be the ultimate solution in the battle over capital punishment. While abolitionists have been unsuccessful in outlawing it, their arguments have made juries and courts reluctant to impose the death penalty. In 1936, 194 persons were executed in the United States; in 1946, the figure dropped to 131; and in 1956 to 65.

The best guess today is that few states will ever drop the death penalty officially, but that an "unwritten law" will limit the sentence to wartime traitors, inmates who kill guards in prison escapes, and some multiple murderers—which is the way most non-capital punishment laws are written anyway.